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THE ALTAR OF DAMASCUS, OR THE PATTERN OF THE ENGLISH HIERARCHIE
CALDERWOOD, DAVID
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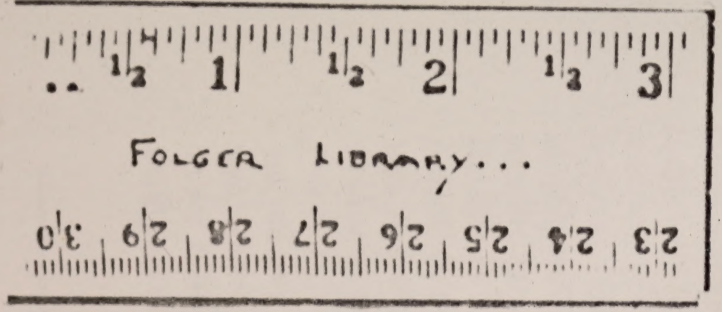

THE Altar of Damascus OR THE PATERN OF THE ENGLISH HIERARCHIE, AND CHVRCH-Policie obtruded upon the Church of SCOTLAND.

2. KING. 16. 10. 11.

And King Ahaz went to Damascus to meet Tiglath Pileser King of Assyria, and saw an Altar that was at Damascus: and King Ahaz sent to Vrijah the Priest the fashion of the altar, and the patern of it, according to all the workmanship thereof.

And Vrijah the Priest built an altar according to all that King Ahaz had sent from Damascus, so Vrijah the Priest made it, against King Ahaz came from Damascus.

Anno 1621.

TO THE READER.

I Have drawen this paterne of the English Altar obtruded upon us, out of their owne Tables of the Hierarchy and Church policie, Ruckets book, their Canons and Constitutions Ecclesiasticall, the Statutes of the Realme, the admonitions, petitions, assertions, treatises, answers and replies of those who sue for reformation, the confessions of their opposites in their own defences. I have followed the order of the Tables translated out of Latine, and printed with a letter different from the rest. I intended not a full refutation: for I thought, to discover it onely, was to refute it sufficiently, to any man of sound judgement; saving that sometime there is a light touch, or pointing at any corruption where I suspected the simpler sort might be miscaried.

Chap. 1.

Of the Kings Supremacie.

IN the Eccleſiaſticall policie of England generally are to be cõſidered, 1 Perſons, 2 poſſeſsions, 3 conſtitutions concerning both: Perſons to bee conſidered, are either ſuch as haue ſome kinde of adminiſtration, or ſuch as have none at all. The perſõs that have ſome kind of adminiſtratiõ, have it, either as ſupreme, or not ſo ample. The ſupreme, or more abſolute adminiſtration, which is called the Kings ſupremacie, is to be conſidered, 1 generally, 2 particularly. Generally, by which authority the Prince as ſupreme governor under God, can ſet down in all Eccleſiaſticall cauſes within his dominions, whatſoever is not repugnant to the word of God. *The Table.*

By cauſes Eccleſiaſtical are meant, not onely matrimoniall and teſtamentary cauſes, and others abuſively called Eccleſiaſticall, but alſo theſe, which are in a proper ſence Eccleſiaſtical, ſubject to Eccleſiaſtical cognition and juriſdiction. By the title of *Supreme Governour*, is underſtood the ſame power which before was expreſſed by the title of *Head of the Church of England* in the dayes of K. *Henrie* the 8. and

Edward the 6. For howsoever for removing of offence taken at the metaphorical title of *Head*, it was changed in more proper termes of *supreme gouernour* under the reigne of Queene *Elizabeth*, yet the sense remaineth still. In the first yeare of her reigne, it was enacted and ordained, *That such iurisdictions, priuiledges, superiorities and preeminences spirituall or Ecclesiasticall, as by any spirituall or Ecclesiasticall power, or authority, hitherto forehen, or may lawfully be exercised, or vsed, for the visitation of the Ecclesiasticall state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schismes, abuses, offences, contempts and enormities, shall for euer be united and annexed to the Imperiall crowne of this Realme. And that the Queens highnes, her heires, and successors, shall haue full power, & authority, by vertue of this act, by letters patents vnder the great seale of England, to assigne, name, and authorize, when and as often, as her highnes, her heires, and successors, shall think meet and conuenient, and for such and so long time, as shall please her highnesse, her heires and successors, such persons being naturall borne subiects, as her Maiestie, her heires, and successors, shall think meet to exercise, vse, occupie, in execute, vnder her highnes, her heires, and successors, all manner of iurisdictions, priuiledges, and preeminences, in any wise touching, or concerning any spirituall or Ecclesiasticall iurisdiction within the Realmes of England or Ireland, or any other her highnes dominions or countries, and to visit, reforme, redresse, order, correct, and amend all such errors, heresies, schismes, abuses, offences, contempts and enormities whatsoeuer, which by any manner of spirituall or Ecclesiasticall power, authority, or iurisdiction, can or may lawfully be reformed, ordered, corrected, re-*

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ſtrained, or amended. And for the better obſervation of this act, it was further enacted, that evety Eccleſiaſticall perſon, officer, and miniſter, all and every temporall judge, Iuſtice, Maior, and other lay or temporal officer, and miniſter, and every other perſon having her highnes fee, or wages, within the Realm of England, or any of her highnes dominions, ſhall make, take, & receive a corporall oath upon the Evangeliſt, before ſuch perſon, or perſons, as ſhall pleaſe her highnes, her heirs, or ſucceſſors, under the great ſeale of England, to aſſigne and name, to accept and take the ſame, according to the tenor and effect hereafter following, *I A. B. doe utterly teſtifie and declare in my conſcience, that the Queenes highnes is the onely ſupreme gouernour of this Realme, and of all other her highnes dominions and countries, as well in all ſpirituall or Eccleſiaſtical things, or cauſes, as temporall, and that no forreigne Prince, perſon, prelate, ſtate, or potentate, hath, or ought to haue any iuriſdiction, power, ſuperiority, preeminence, or authoritie Eccleſiaſticall or ſpirituall within this Realme: and therefore I doe utterly renounce & forſake all forreigne iuriſdictions, powers, ſuperiorities, and authorities, and doe promiſe, that from henceforth I ſhall beare faith, and true allegeance to the Queenes highnes, her heirs, and lawfull ſucceſſors, and to my power ſhall aſſiſt, and defend all iuriſdictions, priuileges, preeminences, and authorities, granted or belonging to the Queenes highnes, her heirs, and ſucceſſors, or united and annexed to the imperiall crown of the Realme. So helpe me God, and by the contents of this booke.* The title then of *Supreme Gouernour* in the oath is explained by the preceeding words of the ſtatute, to which, and for obſervation of the which, the

oath is subjoyned, viz. that the Prince hath all manner of spirituall or Ecclesiastical jurisdiction, and all manner of privileges and preeminences any way touching or belonging to the same, which was before, or may be lawfully exercised for visitation of the Ecclesiasticall state, reformation, order, and correction of the same, and of all manner of errors, heresies, schismes, abuses, offences, contempts and enormities, and that he may commit the exercise of the same to any of his naturall born subjects, whom it shall please his highnes to constitute commissioners in causes Ecclesiastical, to judge, discern, and correct in matters of Idolatry, simonie, errour and heresie, and all other causes Ecclesiasticall whatsoever. This oath of supremacie is different from the oath of fidelity or allegeance devised of late. That requireth no further thē to acknowledge the king to be lawful & righteous king, and to sweare obedience and fidelitie to him, notwithstanding he be excommunicated by the Pope, & to acknowledge, that the Pope, notwithstanding of his excommunications, cannot depose kings, and dispose of kingdomes at his pleasure. The Papist is stratned with the oath of allegeance, but not with the oath of supremacie for feare of troubling his tender conscience. The statute of the supremacie was explained the same year of Qu. *Elizabeth* raigne, in an admonition added to the injunctions, as followeth, *That her Majestie neither doth, nor ever will, challenge any other authority then was challenged, and lineally & justly used by all the noble kings of famous memory, king Henry the 8. and king Edward the 6. which is, and was of ancient time due to the Imperiall crown of this Realme: that is, under God to have the sole-*

ſoveraignty, and rule over all manner of perſons born within theſe her realmes, dominions, and countries, of what eſtate ſoever they be, either Eccleſiaſticall or temporall, ſo as no other forraigne power ſhall, or ought to have ſuperiority over them. In this admonition the ſubjects are made to underſtand, that her Maieſtie did not claime power to miniſter divine offices in the Church, as to preach the word, and miniſter the ſacraments. They have been too ſimple, who have conſtrued the ſtatute in ſuch a ſenſe. For no wiſe man will thinke, that kings and Queens will take upon them either the paines, or worldly diſcredit to preach the word, miniſter the ſacraments, intimate to the congregation the ſentence of excommunication. The ſtatute doth make no mention of divine offices in the Church, but of juriſdiction Eccleſiaſticall, which is, and was in time of papiſme, exerciſed at viſitations, and in Eccleſiaſticall courts. This explanation therefore of the admonition annexed to the Injunctions, and ratified by Parliament in the fift yeare of Qu. *Elizabeth*, derogateth nothing from the former ſtatute, but onely ſummeth it in more generall termes. To challenge no more then was challenged, and lately uſed by the noble kings of famous memory, K. *Henry* 8. and *Edward* 6. is to challenge to be head of the Church, to have all juriſdiction Eccleſiaſticall flowing from the poſſeſſour of the Crowne, as from the head and fountaine. Mr. *Fox* in his Acts & Monuments relateth, that in the 34. of K. *Henry* the 8. it was enacted, *That the king, his heirs, and ſucceſſors, kings of that Realme, ſhall bee taken, accepted, and reputed the onely ſupreme head on earth of the Church of England, and ſhall have and enjoy annexed*

and united to the Imperiall crowne, as well the title and stile thereof, as all honours, dignities, preeminences, iurisdictions, priuiledges, authorities, immunities, profits and commodities, to the said dignitie of supreme head of the same Church belonging and appertaining: and that they shall haue full power & authority from time to time to visit, represse, redresse, reforme and amend all such errors, abuses, offences, contempts, and enormities whatsoeuer they be, which by any manner of spirituall authority, or iurisdiction might, or may lawfully be reformed, repressed, or redressed, ordered, corrected or amended. In a rescript to

Sander. de Schism. Anglic. lib. 1. f. 227.

Ed. the sixth, it is thus written to *Cranmer* Archbishop of Canterbury: *Giuing him power of authoritie and iurisdiction, as well Ecclesiasticall as temporall, to stand of his owne and our regall power, as from a supreme head.* *We giue vnto you power both of priest-hood, to consecrate and ordeine bishops, and to giue an vniuersall authoritie to exercise ecclesiasticall iurisdiction for us, as they vse to speake, throughout all our dominions.* Anno 1. *Eliz.* was also an act made, *That the Queene shall haue full power by the Kings letters patents, and vnder the great seale of England, to assigne commissioners, visitors, and other persons, to exercise, vse, and occupie for the Queenes maiestie, and in the Queenes name, all iurisdictions, priuiledges, preheminences, and profits concerning any spirituall or ecclesiasticall iurisdiction within these realmes, or any other the Queenes dominions, or countries, that lawfully belong to the Queenes highnesse.* This act repealed in the 1. of Queen *Mary*, was reuiued in the 1. of K. *Iames.*

Rastall, Bishops, y.

Exp. p. 1405 lines.

It was obiected to Bishop *Farar* in the dayes of the same young king *Edward*, that hee defaced the coronation, because hee consecrated his Clergie by his letters of commission, omitting the kings maiesties stile and authority: and that he had erected congregations and institutions in his own name and authority, without expressing the kings supremacie. His answer was, that

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howbeit there was some default of formalitie in the commission, yet his highnes stile and authority, was sufficiently expressed in the sayd commission: Neither did the sayd Chancellor offer to visit, but in the Kings name and authority to the sayd Bishop committed. And as to the other poynt, that hee made his collations and institutions in his owne name, not by his own authority, nor by any others, save the kings authority, expressing in them the kings supremacie with the Bishops own name, and seale of office. *What?* sometime Bishop of Canterbu- ry, sayth, *We acknowledge all jurisdiction that any* Pag. 680.
hath in England hath, or doth exercise, be it civill or Ecclesiasticall, to be executed in her Majesties name onely right, and to come from her as supreme Gover- *nour.* And againe in another place, *The Prince* Pag. 381.
doth the supreme government of the Realme in all causes, and over all persons, as she doth expresse the same by the Lord Chancellor, so doth she the other by the Bishops. Dr. *Bancroft*, who was afterward made Bishop of London, and at last Bishop of Canterbury, in a Sermon made at Pauls Crosse, anno 1589. maketh her majesty a *petie Pope*, and Pag. 70.
speaketh unto her, not some of the Popes power, but all honours, dignities, preeminences, jurisdictions, visitations, authorities, profits and commodities, which ever appertained at any time appertaine unto the see, belike relating the words of the act made in the 34. *Henry 8.* Our *Bancroft*, Mr. *Spottiswood*, pretended Archbishop of Saintandros, at the pretended deposition of N. in the high commission, sayd likewise, *I sy unto you N. the Kings new Pope, and so shall be.* To be supreme governour in all causes Ecclesiasticall then, is not onely to be an avenger with the sword, as

Lyson

Bilson would make the Iesuits beleeve in his book of obedience, but also to be judge in matters of errour and heresie, superstition and idolatry, and all other causes Ecclesiasticall; and, as a supreme governour, to communicate this power to any naturall borne subject. In the Parliament holden at Perth anno 1606. where a number of the Nobility consented to the restitution of the Bishops to their 3 estate, and all privileges, that they might get the other prelacies erected in temporall Lordships, it was declared in the second act, *That the Kings estates of their bounden dutie, with most hartie and faithfull affection, humbly and truely acknowledge, his Majestie to be soveraigne Monarch, absolute Prince, iudge and governour over all persons, estates, and causes, both spirituall and temporall within his said Realme.* He is then not onely governour, but judge also over all causes. But the nature of the supremacie may be yet better conceived, when we have taken a view of the particular rights of the supremacie, and of the power granted to the high commission.

The Kings supremacie considered particularly, consisteth, either of things which are granted onely by statute, or restored by statute, as due of right to the Royall Crowne. Granted first by statute, as to receive the Annates, or first yeares fruits of every Ecclesiasticall benefice after the vacancie of it, and the tenth of all Ecclesiasticall benefices yearly.

These first fruits, and tenths, were the Popes due, in time of Poperie: when the Pope was cast forth, they were given to the King, and

was

as enacted, *That the Kings Maiesty, his heirs and successors, for the augmentation and maintenance of the royall estate of his Imperiall Crowne & dignity of supreme head of the Church of England, shall yearly have, take, enioy, and receive, united & annexed vnto his imperiall crown for ever, a yearly rent, profit, commodity, and emolument, amounting to the value of the tenth part of all the reuenewes, rents, farmes, tythes, offerings, obuentions, and of all other profits, as well called spirituall, as temporall, then appertaining, or belonging vnto that aforesaid from thenceforth should belong vnto any Archbishopricke, Bishopricke, Abbacie, Monastrie, Priorie, Archdeaconrie, Deanrie, Hospitall, Colledge, house Colligiate, Prebend, Cathedrall church, Collegiate Church, conuentuall church, Parsonage, Vicaridge, Chanterie, free chappell, or other benefice promotion spirituall, &c.* It was further enacted, *That the said first fruits and tenths, and all reuenewes and profits thereof should be in the order, survey, and gouernance of the Court of first fruits, and tenths, and ministers of the same.* This Court was erected in the Parliament begun anno 31. Henr. 8. Marke these words, *for the augmentation and maintenance of the royall estate of his Imperiall crowne, and dignity of supreme head of the Church of England*: for in that respect are the tenths exacted. Rastall, first fruits. 6.

Restored by statute, as of right due to the Crowne, are either such as haue ever been vsed by the Prince within his dominions, or haue not been in vse, &c. Ever in vse, as the supreme right of patronage, called *Patronage Paramount*, so that by lapse of time, collation of benefices are transferred to the Prince, and no further. 2. To reap the rents of

of vacant benefices to his owne proper use. 3. to give licence to choose a Bishop. 4. to nominate a fit man to the Chapter, whom they shall choose to the Bishopricke. 5. to give consent to the person elected. 6. to receive the oath of homage from the Bishop. 7. to present any Ecclesiastical person whatsoever, before the civil judges, for offences committed against the peace of the kingdome, and the Kings royall dignity.

Presentations and collations of benefices, whether ordinary and original, or extraordinary, and transferred by devolution to superiours for the neglect of inferiours, postponing times prescribed by law, are the inventions of Satan, broched and drested in his kitchin, layth Bale. For when the Patrone presenteth to a benefice and the Bishop giveth collation, the liberty of the Church to choose, and seeke the worthiest and fittest man one of a thousand, (*Iob* speaketh,) is taken away, and unworthy men thrust upon the Churches. Where there is any defect through neglect of time, the liberty is not restored to the Church, but her bondage still increaseth, till at last the power of bestowing a benefice by gradation come to the Prince. Now to conferre a benefice, is to set a Pastor over a flocke: for howsoever the person presented have received Ordours before, yet he hath not a particular charge, but is a minister, or as they call him, a Priest, at Random, till he obtaine some benefice. The Prince taketh up the rents of vacant Bishopricks, as Superiours of vassals, who hold their lands of

Conf. of Fa. c. 33.

their Liege Lord. The Bishops See being vacant, the Diocesan Church as they call it, hath not liberty to choose a Bishop, either in a full convention, or by their commissioners, nor yet the ministers of the Diocie, but onely the Dean & Chapter, as was the manner in time of Popery. Neither may the Deane and Chapter proceed to the election, till first a licence be got from the Prince, and with the licence is sent a letter nominating the person whom they shall choose, and then they proceed to the action, rather then free election of the person nominated. Notwithstanding of this imaginary and feigned processe of election, the kings consent and ratification is required. Yea without all this imaginary proceeding of Deane and Chapter, the Prince may by vertue of the statute above mentioned, proceed to the full election himselfe, and will do it, when he thinketh good. The clergy, nobility, gentry, communalty of the Diocie are not regarded all this time. They must accept whom Deane & Chapter at the Princes pleasure shall recommend to them. Hence it is, that the Church receiveth Pastors & Bishops from the Princes palace, and he that can give or promise the greatest gift to the greatest Courtier, shall win the prise. So the prince's courtier sendeth these great commanders, these over many Churches. From Popes and their courts, as out of the belly of the Trojan horse, have been sent forth asses, swine, Beares & Foxes upon the Lords vineyard. At the last Parliament 1617. election by Deane and Chapter was established, without the consent, yea against the heads of our Kirk. And the first man that entered the way, I mean the Parliament way, that

is, by Deane & Chapter, was the land of Corce, who made it nice to take on a Bishoppricke, till he had a lawfull calling, and the free approbation of the Kirk. My Lord elect must make homage to the Prince, and sweare not onely fidelity, which every subject owe to their Prince, but also as a vassall to doe homage to him as his superiour, and performe that knight service, which he is obliged to for his temporall lands. Whereas before they held their lands in pure almes, they were either compelled by Princes to hold in knights service, or made filthie pactions with them, to the end they might get many temporall lands, and for that cause rendred themselves as vassals, selling both their owne liberties, and the liberty of Ecclesiastick elections.

Not in use, till after the Papall usurped authoritie was utterly driven forth of the bounds of the English Empire. These concerne, 1 appellations, 2 Canons and lawes, 3 Benefices. As for appellations interposed at the instance of any party, 1 The last appellation is made to the Prince, and neuer forth of the kingdome. 2 hee delegates judges by the Chancellour of England, under the great seale, who shall determine the cause.

Appellations ascend by degrees from one to one, not from one to many. No mediate appellation is heere from one to a Provinciall Synode, or Nationall, but from the Archdeacon or his officiall, to the Bishop: from the Bishop or his Commissary, to the Archbishop: from

the Archbishops Archdeacon to the Court of Arches, or the Court of Audience: from these Courts to the Archbishop himselfe: from the Archbishop to the Court of Chancery, or to the Prince, who by the Chancellors seale appointeth judges, 24. Henr. 8. 25. Henr. 8. 1 Edzab. So in place of gradation from parish Sessions and Consistories, to classicall meetings of the Presbyteries, from Presbyteries to Synodes of Shires, from Synodes to Nationall Assemblies, they must step up a Popish ladder, by Arendeacons, Officials, Bishops, Deane of Arches, Archbishops, saving that at the top of the ladder they finde the Prince for the Pope, to whom they must not appeale, nor yet to any greater Councels of many reformed or unreformed Churches, or to an oecumenicall Councell, whatsoever they talke of Generall Councils. Now the causes convoyed by these subordinate appellations, are all Ecclesiasticall causes agitated in the Ecclesiasticall Courts. Of which causes wee are to treat in the third chapter.

These which belong to Canons, or Ecclesiasticall lawes, concerne either the making of them, or the administration and execution of them, or the relaxation of them. As for the making of them, 1. in that the Prince may make new lawes anent ceremonies and rites, with advice either of his Commissioners in causes Ecclesiasticall, or of the Metropolitan. 2 Synod, provinciall or nationall, may not be convocated without the Princes writ direct to the Metropolitan.

2 Nothing

3. Nothing may be treated or determined in the Synode, till the Prince first be made privie, and give assent. 4. Nothing shall have the force of a law, till the Royal assent of the Prince be given to those things which the Synod shall think good to decree.

Beza in his Epistle to *Grindal* Bishop of London, reproveth, that he trembleth and shaketh at the first of their heads. And in very deed it may turne upside down the whole government of the Church, and outward forme of Gods worship, overthrow the one, and deface the other. Did not the Bishops affirme at the examination of *Travers*, that the Queen might establish what Church government it pleased her Highnes? Because they dare not affirm that Princes may change any thing that is unchangeable by divine law, therefore they make many unchangeable things both in government and externall ceremonies in Gods worship, to bee changeable, that they make a change at their pleasure, and may bring in all that ever was hatched by the Antichrist, a Popish Church government, significant rites, and symbolicall toyes and ceremonies. For what may a corrupt Prince, and a corrupt Metropolitan, or some few corrupt commissioners not challenge for changeable? Nay even rites of order and comelines, and lawes of things indifferent for a religious use, should be considered by the lawfull and ordinary assemblies of the Church, how they agree with the generall rules prescribed in the word, how they will edifie the Church, how God shall be glorified, Christian charitie entertained, order and comelines preserved,

For we must not consider things indifferent onely in their generall kinde, but in their particular and circumstantiall use; which if we permit to Princes, they may abuse indifferent things to the great hurt of the Church. Synods ought not to be convocate without the Princes privi-, or the warrant of the law in generall; but if Prince be wilful in denying his assent, and Church be in extreame danger, ready to be ...whelmed or greatly disturbed with here-..., schismes, divisions, enormities, we may use benefit of the law: and if the law of man wanting, yet the Church should not cease ...doing her duties, and exercising that power ...ch is granted her by Christ, who hath also ...mised his presence, when but two or three ...convened in his name. *Salus Ec. lesiæ suprema ...x.* The power of Christian Princes in the ...rch is *cumulative*, to aid her to execute power freely, not *privative*, to deprive and ...her of any power Christ hath granted to ... And by the same reason, the Church may ...ate, determine, and strengthen her decrees ...constitutions with Ecclesiasticall censures ...punishments, notwithstanding the Prince ...not assent, approve, ratifie the Canons of ...Church, nor confirme them by his lawes, ...fortifie them with temporal punishments. ...ence I confesse is required in the Church, ...gh the case of necessity, when to put this ...power in practise.

As for the administration and execution ...laces in that the Prince may 1. visit the ...siasticall state, and their persons, 2. re-..., redresse, and correct them, and what-

soever sort of heresies, schismes, errours, abuses, offences, contempts and enormities of any whom soever, 3. to assigne, nominate, and authorize, when and as often as it is his pleasure, such persons, being naturall borne subjects, as he shall think meet, 1. to exercise and execute all manner of jurisdictions privileges, and preeminences in any wise touching or concerning any spirituall or Ecclesiastical jurisdiction. 2 to visit. 3 to reforme, correct and amend, all such excesses or defects whatsoever, which by any manner of Ecclesiasticall power, authority, or jurisdiction, might been have been reformed, ordered, corrected, amended, or restrained.

The Princes power in visiting, reforming and correcting abuses, enormities, errours, heresies &c. may be seen, as in a lively picture, in this high commission, to be not onely a temporall power, but also a spirituall, to inflict Ecclesiasticall censures & punishments. For the Prince cannot communicate this power to his Delegats Commissioners, except he claimed it in himself as Principall. For none can transfer that to others, which he hath not himself. It must follow therefore that the Princes power is Ecclesiastical, not onely in respect of the subject, and matter whereupon it worketh, as heresies, errours, abuses, &c. but also formally in respect of the manner to wit, by inflicting Ecclesiasticall censures and punishments, unlesse we will affirme that suspension, deposition, excommunication, are not Ecclesiastical, but civill punish-

punishments and censures, which were absurd. We shall entreat of the power of the high commission in the next chapter severally by it selfe.

As for the relaxation of the Canons or lawes in that 1. first for ever, when as they are altogether abrogated by the Prince. 2. for a time onely, as when hee granteth remission of any crime or transgression of the Canons, for times by gone and to come, when both infamie is abolished, and the transgressor is restored to his former state. 3. When the grace of the Canon is granted for time to come, to any certaine person upon speciall occasion, the cause being tried, which (grace) they call dispensation, which is for the most part done, when the faculties of this kinde granted by the Archbishop of Canterbury upon whom this office doth lie by statute, are confirmed with the great seale of England: or when, if he without just cause refuseth, the Chancellour of England, granteth them primarily, according to the statute made thereanent.

If the Prince may abrogate the canons of the Church without consent of the church, in vain were the Canons of the Church made. Or that the Church may not abrogate any canon, when they finde it proveth inconvenient, is as great an inconvenience. In vaine likewise are canons strengthened, and guarded with censures, and punishments, and the black markes of infamie

set upon heynous crimes with the legall effects thereof, if the Prince may abolish the crime, as simoniacall paction, or any the like, or else infamie arising upon the crime, and make patent the ports of Eccl. siastical dignities to infamous men, against the rule of the Law. *Infamibus portæ non patent dignitatum.* The Prince granteth also dispensations, either primarily by his Chancellour, if the Archbishop refuse, or secundarily confirming the faculties and dispensations granted by the Archbishop, and so by dispensations may dilapidate, and wound at pleasure the Canons of the Church. Now the Prince may dispense by their lawes in all causes, wherein the Pope of Rome was wont to dispense of old.

The third sort of rights restored as due to the croune, which were not in use, but since the Popes authority was driven forth, concerne Benefices Ecclesiastical, and Dioceses, in that the Prince may 1. enjoyne the Archbishop to confirme the election, as also to consecrate the elected into the Bishopricke. 2. to unite and consolidate, or to divide lesser Benefices, or Bishopricks, which were before united. 3. to grant a vacant Bishopricke, or lesser Benefice, in title of trust, which they call a Commendam. 4. to translate Bishops from one Bishopricke to another. 5. of two, which are nominated, to choose one to be a Suffragane Bishop. 6. to enlarge, or contract the bounds and marches of any Diocie.

Election

Election, confirmation, and consecration, of Bishops were performed of old all at one time, and that in a Synode of Bishops If the Prince may unite, and enlarge Dioces, and Parishes without the consent of those, who have interest, hee may make parishes Dioces, and Dioces great Provinces. The competent sorkes for Pastors should bee measured by the Church who calleth them, and knoweth best what burthen is most proportionable to their strength. Bishops should not be translated at Popes, or Princes pleasures, as it often commeth to passe in our times. The old Canons condemne this leaping from See to See. Ambitious and covetous men cannot content themselves, till they get either a fatter, or more glorious Bishopricke. Some are not content of one Bishopricke, except they also get the commendam and custody of another. They must not have two Bishoprickes at once by the Canons, yet heir a tricke, one they may have in title of a Bishopricke, another by way of trust and custody till it bee granted. A man may not have two wives, yet hee may have two women, one as a wife, another as a Lemman. Some of them have keeped another Bishopricke in commendam sixteene or twentie yeares, as the Bishop of Glocester was commendatare of Bristow. Yea they may keepe this Lemman all their life time, if it please the Prince to bestow a perpetuall commendam. For commendams are not onely temporarie, but also perpetuall, whereas of old they endured onely for sixe moneths, or some like short space.

They enrich themselves not onely with Commendams of other Bishoprickes, but also when that cannot be had, with the commendams of fat parsonages, and lesser benefices. The Diocesan Bishop hath a greater taske then hee can commodiously expede, or else, because hee is a lovtering Lord, he must have a suffragane Bishop to exercise some pontifical parts of his office in some part of the Diocis, and disburthen him that farre. This Suffragane Bishop is to be chosen by the Prince out of the Leits of the two presented by the Diocesan Bishop, according to the Statute made 26. Henr 8. cap. 14. Translating of Bishops, erecting and changing of Bishops Sees, union of Bishoprickes, enlarging of Dioces, were in time of Popetie, Papall cases, reserved for the Pope of Rome.

We say then, that the Prince, as supreme head and governour of the Church of England, is supreme judge in matters of heresie, simonie, idolatry, and all causes whatsoever, hath all manner of spirituall jurisdiction united to the crowne, may commit the exercise and execution of the same to others also, so that they be naturall borne subjects, may conferre benefices and consequently give Pastors to flockes, may choose Bishops without Dean and Chapter, receive appellations, abrogate canons, abolish infamie, and restore the infamous to dignities, grant dispensations in all causes where the Pope was wont to dispense, give Bishoprickes and lesser benefices in commendams, enlarge, contract, unite, devide Dioces &c. And this he may, whether he be a Christian or not, so that he be righteous possessour of the Crowne: for all the particulars above rehearsed, are sayd to

be

be due of right to the crowne, so that true or false Christian, or infidell, male or female, man or child, have all alike right. What is due to the Christian Magistrate, is due indeed to him, not because he is a Christian, but because he is a Magistrate. A Christian Prince doth understand better how to use his righteous power, then the infidel, but hee can claime no further authority then the infidell, and his power is only *cumulative*, as I have sayd, not *privative*. Now, whether the particulars above rehearsed belong to any Prince whatsoever, be he true or false Christian, or infidell, I think him too simple, that cannot judge.

Chap. 2.
Of the High Commission.

THE High Commission is called commission of jurisdiction in causes Ecclesiastical, it is called the high commission by the favourers of it, to strike a greater terrour in the hearts of subjects.

The commissioners are partly civil, partly Ecclesiastical persons, as the Archbishops, certaine other Bishops, Deanes, Archdeacons, Chancellours, some of the secret counsell, and of the chief Iudges, Courtiers, Aldermen, sometime the Lieutenant of the Tower, the Postmaster, and others making up a great number. But it is not requisite that all these, whose names are set down in the kings letters patents, should be present at every Session, to make up a full judicature, but power is given to any three of the number, the Archbishop being

alwayes one. As with us are nominated and appoynted by the Kings letters patents to the number of fortie or fifte persons, Bishops, Counsellors, Noble men, Barons, Commissaries, Ministers, yet power is given to any five of them to make up the full juncture, the Archbishops of Saintandros, and Glasgow, or any one of them being of the number of the five alwayes. And as with us, so there also, grave Counsellours, and Iudges, and other of honorable respect, may well be desired to be present when an incestuous person, or some other malefactor is brought before them, that their countenance at one time or other may bring credit to their great authority. But when a minister, or any other godly professour is to be troubled for nonconformity, or writing against crossing and kneeling, or having, or spreading of bookes touching reformation of abuses, and corruptions in the Church, then are they not desired, lest being present, they should perceive the mysteries of their iniquitie, by which they uphold their pompe, and Lordly Domination. If there be a courtier, or new upstart that favoureth them, or dare not controll them, hee may well be advertised to be present.

The Archbishop hath power to associate unto himselfe any two nominated in the kings letters patents, whether they bee Ecclesiastical or civill persons, as for example, the Lieutenant of the Tower, and the Postmaster: as with us the Archbishop may assume any foure of the number to be his assessours; as for example, Mr. *Thomas Hendersone* commissarie of Edinburgh, M. *Ioh. Weems* commissarie of Saintandros, M. *Iames Hamiltone* commissarie of Glasgow,

and

and the Chauntour of Glasgow Mr. *David Sharpe*, or any other foure Ecclesiasticall persons, or civill enrolled in the letters patents.

These three, as for example, the Archbishop, Postmaster, and Lieutenant of the Tower, have power to inquire in all heresies, errours, sinnes, contempts and enormities whatsoever, which were wont to be reformed by Ecclesiasticall lawes, and jurisdiction, in all offences and contempts committed against the forme of their service, and common prayers, and other late statutes made anent Ecclesiasticall matters, as also seditious bookes, private conventicles, adulteries, fornications, outrageous misbehaviours, disorders in marriages, and other offences particularly expressed in the letters patents, and all other grievous offences punishable by the Ecclesiasticall lawes of the Realme. So with us the five, as for example, the five abovenamed, have power to take triall of all offenders in life, and crime, or religion, or scandalous in any of these, intercommoners and receipters of Jesuites, Seminarie and Masse Priests, hearers of Masse, and excommunicate Papists, (*so they*) recusants, or not communicants, (*so they*) incestuous or adulterous persons, obstinate contemners of the discipline of the Kirke, and excommunicate for the same: all ministers, preachers, Doctors, or Masters of Schooles, Colledges and universities, all exhorting and lecturing Readers, for preaching, or speaking in publicke, against the present established order of the Kirk, *truth* or estate, against any of the conclusions of the by past generall assemblies of the Kirke,

Kirk *(truth)* specially of the acts of generall Assembly holden at Perth in the moneth of August 1618, *(truth)* and all disobeyers of the sayd acts *(truth)* likewise writers of Pamphlets contrary to any of the constitutions of the Kirke, or Printers of the sayd bookes and pamphlets *(truth)* or of any other bookes without licence.

These three commissioners may authorize their drunken pursevant to breake open mens studies, chambers, coffers, letternes, and search if there be any bookes, or writs against their Hierarchie, and the orders of their Kirke, and to spoile at their pleasure.

These three commissioners may convent before them, any subject of whatsoever degree, or calling, civill or Ecclesiasticall, in whatsoever season of the yeare, earing time or harvest, from whatsoever part of the kingdome, even the remotest, for whatsoever offence reputed Ecclesiasticall, even the lightest, to the great detriment and domage of the subjects. So with us, may these or any other five in the number, the Archbishop, or any one of them being alwayes present, summon and call before them, at the times and places they shall thinke most convenient, any person dwelling within the kingdom of Scotland, and provinces of Saintandros, and Glasgow.

These three commissioners have power to command the Sheriffs, Justices, and other officers, and subjects to apprehend, or cause to be apprehended, such persons as they shall think good, and take such bonds for their appearance, as they shall prescrive, or to commit them to prison. So may the five with us direct their warrant

nt to the Captaine and Lieutenant of the ings guard, the Provost and Bailies of the gh, where they shall happen to sit, Shiriffes Bailies of Regalities, to search, take, and tchend, whom they please, and to present m before them.

The three commissioners have power to any person convented before them, whom suspect, to accuse himselfe upon his own to answer to their interrogatories, when is no accuser, nor article of accusation laid against him. He must sweare to answer at, which he doth not as yet understand, so much as in generall. And to grace this h, they call it the oath *ex officio*. If any person refuse to take this oath, hee is forthwith mitted to prison. The manner of taking oath, is by laying their hand, or three fingers on the book, to sweare by God, and the nents of the booke, that they shall answer ay to such things as shall bee demanded of m; and when the book is kissed, the oath is spied, as *Bacon* reporteth in his Discovery. *Pag.* 249. and although the penalties of the statutes bee so great, as *Præmunire*, *abjuration*, *forfeiture of lands and goods*, and some of the offences limited to bee tried onely in the Kings h, yet the partie suspected shall be forced this commission, to accuse himselfe, upon owne oath, upon such captious interrogatories, as the wit of man can devise, when there is either accuser, nor libell of accusation, layth *Thomas Fuller* in his arguments and defence his Clients. This oath was set on foot under King *Henry* the 4. at the instant sute of the Prelates, for detecting and suppressing of those, whom

whom that blind age called Lollards, that is, for suppressing of the Gospell, which was peeping out of corners. The Commons repined against that Statute *ex officio*, and the godly wrote against it, as a bloodie Maximinian law. They were first ordeined to accuse themselves, and then to be burnt. See *Fox* in *Henry* 4. The same oath doe the Prelates, now make a meanes to suppresse a due reformation of their Church. Worthy *Udal*, and many more have ended their dates in the prison, for refusall of this unjust, and superstitious oath.

The three Commissioners have power to fine at their discretions, to commit to prison for non-comparance, or for contumacie in refusing to obey their decrees, or reputed desert of their offence, and all the Iayles, Wards, and Prisons in the land, are at their command to receive the person committed, and sent by them to prison. So with us the Captaines and Constables of the Kings Wardes, and Castles, jaylors & keepers of prisons, in burgh, or land, are charged to receive, and deteyne all persons directed to them, in such forme, as shall be prescribed in the warrant subscribed by any five of them, one of the Archbishops being alwayes of the number. Neither may the imprisoned, be set at libertie, but at their pleasures. And with us also the Lords of his Ma: privie Councell, *are required upon the sight of any certificate subscribed by any 5 of the said Commissioners, one of the said Archbishops being alwayes one, either of fine imposed upon any party, or upon the refusing to come before the said Commissioners, to direct a summar charge of horning upon ten dayes for payment of the fine that shall be imposed upon him, and to direct others letters for*

nouncing persons that shall refuse to compeir be-
fore the sayd Commissioners, of the which letters no
pension or relaxation shall be granted, without a
testimony under one of the Archbishops hands, of
parties obedience and satisfaction. Howbeit
h them they bee thus authorized by the
gs letters patents, to fine, ward, and impri-
; yet are they not so authorised by the sta-
, whereupon the Commission is founded,
ch I have set down in the beginning of the
chapter. For it was ancient jurisdiction Pe-
alicall, which was restored to the
wn in that act, and meant to be executed
the Commissioners, as *Nicholas Fuller* avow-
in the defence of his Clients. But to fine,
pison, and force any person to accuse them-
es upon their own enforced othes, their be-
no accuser knowen, not accusation libelled,
roved, was not ancient jurisdiction Eccle-
ll, but brought in, in the second yeere of
Mathe 4. In the record of the worthy pro-
ings of the House of the Commons, at the
liam. holden 1610. we have this greivance.
ndly, for that Whereas by the intention and
of the sayd statute, Ecclesiasticall jurisdicti-
restored to the Crowne, and your Highnesse
statute intended to give onely such power Ec-
siasticall to the sayd Commissioners, yet under
of some Words in that statute, Whereby the
missioners are authorized to execute their com-
on, according to the tenour and effect of your
sayd letters patents, and by letters patents
sued thereupon, the sayd Commissioners do fine
prison, and exercise other authority, not be-
to the Ecclesiasticall jurisdiction restored
statute, which We conceive to bee a great
to the subjects.

And that these Commissioners might as well by colour of these words, if they were so authorized by your Highnesse Letters patents, fine without stint and imprison without limitation of time, as also according to will and discretion, without any rules of Law, Spirituall or temporall, charge and impose ex-tort confessions of goods, forfeiture of lands, yea the taking away of lymme and of life it self, and this for any matter whatsoever pertaining to spirituall jurisdiction. Which never was, nor could be meant by the makers of that law. To fine and imprison at pleasure, are punishments belonging to the temporall sword, which Christ hath not bidden his Apostles, and all Pastors their successors to use. The weapons of their warfare are not carnall, but Spirituall. Christ committed unto them keyes, not swords. In very deed, there is no cruellier beast, nor more tyrannous, then a degenerate Churchman. Hee is more insolent and outrageous with the Divine sword, then Princes are with the Native. Why should they not be like their eldest brother, that bloody beast of Rome. Degenerate Clergymen will either usurpe the power of the temporall sword, or take it when it is offered, however abuse it.

The three commissioners may inflict spirituall censures and punishments, as suspension, deprivation, deposition, excommunication. They may call for a Priest, command him to denounce and declare in some Cathedrall Church, or other publick place, the offender to bee excommunicated, but they enquire, cognosce, decerne, and pronounce the sentence of excommunication in their Court; and the excommunicate may be denounced long after: and how-

beit the Priest should pronounce the sentence in judgement, yet he should bee onely like the compiter, that pronounceth the doome, or like the hangman, or poore slave directed by the Judge: hee neither inquireth, cognoseeth, nor determeth. Yet, if ye think the cómissioners may excommunicate, because the Archbishop is present, ye are deceived: for his power in the high commission is not Episcopall, nor Archiepiscopall, but delegate onely from the Prince, which other assessours not Bishops, haue as well as he, and by this delegate power he with his two associates, as I have sayd, may inflict this censure upon any subject within England or Ireland, which hee cannot doe as Bishop or Archbishop, for their jurisdiction ordinary is limited within the bounds of their Diocie, or Province. When *Spottiswood*, pretended Archbishop of Saintandros, was but a rurall minister in Calder, and Law of Glasgow, a rural minister at Kirkliston, possessing onely the rents of Bishopricks, not authorized as yet with the office of Bishops (for that pretended Assembly of Glasgow was not yet convocated) were they armed with power to decern excommunication against any subject within our Realm, & to command the minister of the office to proceed against him: and if he refused, to suspend, deprive, or warde him. They were thus armed immediatly before that pretended Assembly, with power of warding, fining, imprisoning, suspending, degrading, and decerning excommunication, without the consent of the Church, or approbation of the Estates, that they might wring out of the hands of the Kirke that corrupt, and pretended Assembly, Episcopall

Episcopall jurisdiction, which many times they protested never to usurp, before and without the free consent of the Church obtained thereunto. O perfidious violence! What we have said of excommunication, may be likewise said of suspension, deprivation, and deposition: The Archbishop doth not suspend or deprive, as Archbishop, but as the Kings Delegate, Iudge, and Commissioner, by which power he may suspend or deprive Ministers out of the bounds of his ordinarie jurisdiction, which no Bishops or Archbishops may doe by their ordinarie power. We had a late example in our own Archbishops about two yeares since: for when Mr. *Spotiswood* was at Court, Mr. *Lamp* pretended Archbishop of Glasgow, suspended Mr. *Forbes*, and Mr. *Forrester* from their ministerie, which he could not doe as Archbishop, for they were neither within his Diocie, nor his province. He did it then as head of the Commission sitting for the time, that is, by a delegate power from the King. To let passe, that at this same vile Assembly, no mention was made of Archbishops: and pardon was only made with these men who had the benefices, for which vulgarly they were called Bishops, that excommunication, suspension, deprivation, and deposition, should not be concluded without this, not that they might suspend, deprive, excommunicate by themselves, and at their pleasure in the high Commission, or any where else but according to the cannons made by that wofull, but pretended and null Assembly. Farther, the Prince may inable one or more lay men with this same commission, without mixture of Ecclesiasticall persons. It is then an extra-

extraordinary power, wherewith they are inabled by the Prince to suspend, depose, and excommunicate. But the Prince hath not this power himselfe, and therfore by no right of Gods law may he communicate this power unto them, and it is a proud usurpation over the Church to them to receive it, or exercise it. In the Parliament holden 1592. some acts, which were made in that turbulent time of the 1584 date, were repealed as followeth. *Item, our Soveraigne Lord, and Estates of Parliament foresayd, annulles, casses, and cancells the act of the same Parliament holden at Edinburgh the seventy yeare 1584. granting commission to Bishops, and other iudges ordinate in Ecclesiasticall causes, to receive his Highnesse presentations to benefices, to give collation thereon: and to put order in all causes Ecclesiasticall, which his Majesty and estates foresayd, declares to be extinct in the selfe, and to be null in time coming, and of none availe, force, nor effect.* Not withstanding of this repealed commission, our pernicious Prelats haue resumed the same again without any law reviving it. But let us proceed, and heare what is recorded in the worthy proceedings of the Parliament above mentioned. *The Act is found to be inconvenient, and of dangerous extent in divers respects: 4. for that every pretended clause, pertaining to spirituall jurisdiction, is by the colour of the said words, and letters patents grounded thereupon, made subject to excommunication, and punishment, by that strange and exorbitant power, and commission, whereby the haill offenders, not committing any thing of any enormous or high nature, may be drawn from the most remote parts of the kingdome, to London, or yorke, which is very grievous, and inconvenient;* P. 27. 28.

These three Commissioners being armed with double vengeance, and power of both swords, temporall and spirituall, may strike a man at one strike, in one sentence, for one and the selfe same fault, both with temporall and Ecclesiasticall censures and punishments. They may depose and imprison a minister at one time for one offence: they may fine and excommunicate at one time, &c. Againe, they may punish the same offence in one person with a fine, in another with imprisonment, in the third with excommunication, in the fourth with deprivation. For their owne pleasures and discretions and not the lawes, are the rules of their censures and punishments. Let us see what is recorded in the grievances. *Herein* (to wit in the Commission granted upon the statute) *is grievously apprehended that. First, for that by the first part he hath both spirituall and temporall jurisdiction and may both forcibly justifie the execution of an offence, and also impose the same offence by punishment spirituall for the same offence at the same time, and by one and the same sentence both spirituall and temporall punishments. 2. also as in sentence of deprivation, or other sentence imposed upon him by force of the same jurisdiction, may after both for the same crime, that is not expressible under the commission. As for example, to be a drunkard by fame, give occasion of offence, &c. Whereas a man may be guilty of one, the other, or neither, and yet the commissioner sentence given against him, may extend to the taking away of all his goods, and imprisoning him during life, yea to the adjudging him in the case of praemunire, whereby his lands are forfeited, and he out of the protection of the Law.*

3. That

3. *That whereas penall Lawes and offences against the same, cannot be determined in other Courts, or by other persons, then by those trusted by Parliament with the execution thereof, yet the execution of many such Statutes (divers whereof were made since 1. Eliz.) are commended and committed to these Commissioners Ecclesiasticall, who are either to inflict the punishments contained in the Statutes, being Pramunire, and other high nature; and so to intrap a man upon his owne oath, to accuse and expose himselfe to those punishments, or else to inflict meer temporall punishment at their pleasure. And moreover, and after that done, the parties shall be forced in Courts mentioned in the acts, to punishment by the same acts appointed, and inflicted: which extremities were unreasonable.*

The three Commissioners may not onely censure, and try, but also judge in all causes Ecclesiasticall, in causes of heresie, simonie, idolatry, &c. It is, I grant, provided in the statute 1. Elizabeth, *that they shall not in any wise have authority, or power, to order, determine, or adiudge, any matter or cause to be heresie, but onely such, as heretofore have been determined, ordered, or adiudged to be heresie, by the authoritie of the Canonicall Scripture; or by the first 4. generall Councels, or any of them; or by any other generall Councell, wherein the same was declared heresie, by expresse and plaine words of the said Canonicall Scriptures, or such as hereafter shall be ordered, iudged, or determined to be heresie by the high Court of Parliament of this Realme, with the assent of the Clergie in their Convocation.* This provision is no limitation, unlesse we will say, that without the limits of the Canonicall Scripture there are some heresies deter-

mined, which are not determined within the bounds of the Canonicall Scripture. Seeing then they may determine in all heresies determined in the Scripture, they may determine in all heresies whatsoever, and may affirme that to bee determined for heresie in the Scripture which is orthodoxall. If the commissioners, the Princes delegates, may be judges in all causes of heresie, farre more is the Prince himself by their lawes, and that without the proviso forelayd, wherewith the delegate commissioners are circumscribed.

These three Commissioners have power to receive appellations from other inferiour courts Ecclesiasticall, like as the five with us have power by the Kings letters patents, *to receive and despatch, all appellations made to them from all inferiour Ecclesiasticall judges, and to inhibite the said Ecclesiasticall judges to proceed in any matter which they shall hold to be improper for them, also in case they shall perceive the said Judges to have delayed justice, finally, to determine the said matters in their own judgment.* See the commission renewed Anno 1618. So they may draw to themselves any cause whatsoever, agitated in inferiour courts, not only at the appellation of any notorious villaine pretending grievance, but also by avocation, when they shall consider the cause to be improper, or the proceedings of the inferiour Court to be partiall. In the narrative of the proclamation it was pretended that this high commission is erected to stay avocation of causes granted by the Lords of Councell and Session. *That forsmuch, as hath been complained by the Archbishops, Bishops and other Ministers of the Church, &c.*

Lone, that advocations and suspensions, are frequently granted by the Lords of Counsell and Session unto such, as bee in processe before them, and their Ecclesiasticall Courts, for offences committed, whereby offenders are imboldned continuing in their wicke lusse, and using the said advocations and suspensions, as meanes to delay their tryall and punishment, Therefore &c. Complaint hath been made sometime by ministers, and last to stay advocations, that the ordinarie iudicatures Ecclesiasticall might proceed to their censures without stop, but not to change advocations. Are the Archbishops and Bishops with their associates, honester and more conscientious men, then the Lords of Councel and Session? An ambitious and covetous Clergieman, is of all men the most vile and prophane. Did the Bishops complaine? why do they then advocate causes from inferiour Courts Ecclesiasticall, seeing they have usurped the sway of proceedings in Courts Ecclesiasticall to themselves. Doe they accuse themselves of partiall-till proceeding in inferiour courts, or handling improper causes, and will these same men bee lesse partiall, and more conscientious in the high Commission? If no censure can take effect without their approbation, and appellations should ascend from inferiour courts to superiour courts and Synods, wherefore will they rather advocate causes to this extraordinary court of high commission? In England *if a man stand rebell fourty dayes together excommunicate, and be accordingly certified by the Bishop into the Chancerie, that then he is to be committed to prison, by vertue of a Writ directed to the Sheriffe:* P. 8.
it is layd in the Apologie of certaine proceed-

dings in courts Ecclesiasticall. And in a writ *de excommunicato capiendo*, it is sayd: *quid potest Rex regis sui regnum Ecclesiæ in querelis suis deesse non debet.* The ordinarie lawfull courts Ecclesiasticall farre more then should be aided, and assisted by the secular power, and not molested or stopped. The truth is, that this high commission is erected to supresse the libertie of the Kirk, to maintain the usurped power, and tyrannous dominion of our perfidious Prelates over Synods generall & Provincialls, Presbyteries & sessions, & to effectuate the intended conformity, which they know they will never get done in Synods and Presbyteries, unlesse the terrour of this high commission were standing above their heads. And therfore when they urge conformity, they have their recourse to this weapon, or in Synods and Presbyteries men are terrified with the feare of it. This is their strong castell, out of which they command, and hold in slavery & bondage the whole cittie. Here the Romanian Prelats stoutly draw the two swords, fine, confine, suspend, deprive, imprison, &c. But the courageous souldiers fighting the Lords battell, will not bee borne downe with any such outrages, and terrours. Now as they receive appellations from inferiour courts, no appellation can bee made from these three, or our five, suppose their injustice and tyranny cry never so loud. I wonder if the heart of any faithfull Patriot, let be conscientious professour, can digest this.

These three Commissioners may appoynt inferiour Commissioners, from whom also as subdelegates, they may receive appellation.

I will add out of the record of the grievances of

of the house of Commons these considerations. First, out of the statute, that the said act is found to be inconvenient, and of dangerous extent in divers respects: *for that it inableth the making of such a commission, as well to any one subject borne, as to more.* Item, *for that by the said Statute, the King and his successors may (whensoever your Majestie hath beene pleased out of your gracious disposition otherwise to order) make and direct such commission, into all the Countries and Dioceses, yea, into every parish of England, and thereby all causes may be taken from ordinary jurisdiction of Bishops, Chancellors, and Arch-deacons, and Lay-men sithly be inabled to excommunicate, and exercise all other spirituall censures: For that limiting causes subject to this commission being only with these words, viz. (such as pertaine to spirituall, or ecclesiasticall jurisdiction) it is very hard to know, what matters or offences are included in that number. And the rather because it is unknown what ancient Canons, or Lawes spirituall are in force, and what not: from whence ariseth great uncertainty, and occasion of contention.* Out of the commission grounded upon the statute. *That the commission giveth authoritie to inforce men called into question, to enter into recognisance, not only for appearance from time to time, but also for performance of whatsoever shall be, by the Commissioners ordered. And also that it giveth power to imprison parties defendant, or accused to pay such fees to officers of the Court, as by the Commissioners shall be thought fit.* As for the execution of the commission, it is found grievous these wayes among other. 1. *For that lay men are by the commissioners appointed for sparking (otherwise then in cathedrall Churches and Cities) of the simonie, and other mis-*

demeanours of spirituall men, though the thing spoken be true, and the speech tending to the inducing of some condigne punishment. 2. In that these commissioners usually appoynt and allot to Women discontented at, and unwilling to live with their husbands, such portion & allowances for present maintenance, as to them shall seem fit: to the great encouragement of wives to be disobedient, and contemptuous against their husbands. 3. In that their pursevants, or other ministers employed in the execution of supposed offenders in any things spirituall, and in the searching for any suppos'd scandalous bookes, use to breake open mens houses, chests and desks, rifling all corners, and shut custodes, as in cases of high treason, or suspition thereof.

Their commission is grounded upon a statute and act of Parliament, howbeit it agreeth not with the statute. Wee have not so much as a shew of a statute for commission of jurisdiction in causes Ecclesiasticall, and yet our usurping Prelates tyrannize over loyall subjects, faithfull Patriots, conscientious professours, deserted by these, who will be counted fathers of the Common wealth, left open and naked to their violent rage, without any protection of the law, as if they were but the vile offsprings of the land. Will not the estate in Parliament redresse this proud usurpation? Shall the house of Commons in their Parliament bee grieved not onely at the exorbitant power of this high commission, but also at the statute it selfe and shall our nobles, and inferiour estates not be grieved at our usurped commission? Or will they suffer the like statute, and make the countrey mourn and groane for it the next day, as our neighbours have done?

done? Can Princes or estates give power of spirituall censures either to lay or spiritual men? Or may they lawfully put the temporall sword in the hand of Pastors? Or may spirituall men as they call them, accept it? If neither can be done, how can the estates erect, ratifie, or suffer such a commission? What is this but the Spanish inquisition? Set me up this throne, Satan shall set up Popery, or any other religion whatsoever in short processe of time. For they sit at the rudder, and may turn religion as it pleaseth them, and when they see fit occasions, and themselves to have able power.

Chap. 3.

Of the dignitie and power of Archbishops in England.

This proud name of Archbishop is not to be found in all the Scripture. It was not attributed to any common Metropolitans at the first, but to the renowmed and mightie Saints the Patriarches of Constantinople, Antioch, Alexandria, and Rome, who were mounted farre above Metropolitanes when the time was neere that the Antichrist should be mounted on horseback. But after that he was mounted, then Metropolitanes that they might keepe some proportion with their head, were lifted up to a degree of power above other Bishops, & invested into an office that the book of God, & the Apostolical Church never knew, to consecrate Bishops, to convocate Synods, to receive appellations frō the courts of inferior Bishops, to visit the Dioces of other Bishops within the Province. A Dioceſan Bishop that is a

Bishop

Bishop over many flockes, and Pastors of one Diocie, was unknown to the Apostles, far more a Bishop of Bishops, a provincial Bishop, an Archbishop having iurisdiction and power over the comprovinciall Bishops. The Church being for the most part within the bounds of the Roman Empire, the governours framed the government according to the forme of the Empire, and made degrees in the Church like to degrees in the common-weale. They intended not to set up the Antichrist, but being led, partly with carnall wisedome, partly with ambition and vainglory, wittingly and willingly did that which brought in the Antichrist, and so the mysterie of iniquity, which began to worke in the Apostles time, wrought on still, till Antichrist come to his full strength, and perfect age. While they were framing degrees according to the fashion of the Romane Empire, first Bishops, then Metropolitanes, then Primates, then the foure great Patriarches, they were but forming the second beast according to the image of the first beast, and the Bishop of Rome, one of the foure Patriarches, became the head. Neither was the Bishop and Metropolitan so great in power before the Antichrist come to his perfect age, as they were after, and have been ever since, even to this day. They hatched him, and he hath rewarded them with greater authority and power. But giving and not granting the Diocesan Bishops to bee of divine or Apostolicall institution, we will in this chapter onely let you see the Archbishops unlawful superiority over them.

Persons having lesser ample administrati-

on

on, having eyther iudiciall administration, or administration not iudiciall, eyther constitute by law, or introduced without law. Constitute by law, as the administration of the ordinarie Iudges. They doe execute it under the Prince, either in their owne name, or the name of others. In their owne name Bishops, so called, either with addition, as Archbishops, or simply Bishops. Archbishops, (being in England two, Canterburie and York) are considered, eyther in respect of their peculiar Diocies in all respects, as other Bishops: or in respect of the whole province, according to the place, which they hold, eyther in the ecclesiasticall state, or the civill. In the ecclesiasticall estate, eyther according to the place, which they hold common to both the Archbishops, or that which is peculiar to Canterburie. According to the place, which is common, they are to be considered, eyther as in their ordination, or after their ordination.

In the ordination it selfe, it is to be considered, that if they the Archbishops haue not been heretofore Bishops, they must be consecrated by some Bishops. If they haue been Bishops, then their election onely is confirmed by some Bishops.

Metropolitanes were chosen, confirmed, and consecrated of old, not by some, but by the whole Synode of the comprovinciall Bishops.

But

But the English Bishops have no Provincial Synods to any such purpose. They have neither the Discipline prescribed in Gods word, nor the Discipline of the old Bishops and Metropolitanes, but the Discipline and policie which was in use in the time of greatest darknesse under the Antichrist. Here also wee see a signe, that they make the Bishop and the Priest of a different order. For a Priest, when he is made a Bishop, must receive a new consecration. But a Bishop when hee is made a Archbishop, is not consecrated of new, how beit hee bee in degree of power and jurisdiction above other Bishops.

After ordination they are to be considered, either as Metropolitanes, or as Archbishops, or as Primates, or as lesser Patriarches.

De polit. c. 4. The English Metropolitanes have onely Bishops under them, yet, sayth *Markit*, they enjoy the titles, and discharge the functions of Archbishops, and Primates also. Metopolitans at the first were not called Archbishops, as I have say'd, but the Patriarches greater and lesser onely, to whom appellation was made from the Metropolitane. But when Metropolitanes began to receive appellations, then this proud title descended to them also, as we will see incontinent, that as Bishops, they received appellations. They will extoll the wisedome of the ancients in framing degrees in the Church, and yet they themselves confound these degrees and offices, and make one man to bee a Metropolitan, an Archbishop, and a Patriarch.

Mar.

Many degrees were made to the Pope, to clamm up to his throne: that beeing done, then was there confusion againe. We have this confusion then out of Babylon.

As Metropolitanes, 1. in confirming the elections of the Bishops of his Province. 2. in consecrating these Bishops together with other two Bishops.

By the auncient Canons it was ordained, that all the Bishops of the Province should assemble to the election, confirmation, and consecration of the Bishop also, and the Metropolitan was present with the rest, as one of the number, and moderator onely of the convention, and the action was common. The Bishop of Spalato confesseth, that by divine law one Bishop hath no greater right to consecrate another Bishop then another hath. By their own book of orders, it is not needfull, that the Archbishop consecrate a Bishop, but an inferiour Bishop may do it for him: yet a Bishop may not suffer a minister to ordaine or by hands one a minister for him. How can they then bee so shamelesse, as to say, that Archbishops bee of divine institution, & another may consecrate a bishop as well as hee, whether it bee with his consent, or without it? Abbots, who have been but simple Priests, have of old ordained bishops without either commission or consent of Archbishops, as *Beda* testifieth. Of the forme and rites of their consecration, wee shall entreat in the next Chapter. *Lib. 3. c. 5. num. 1.* *Hist. l. 3. c. 4.*

This

This, that they call consecration of Bishops, was not known to the purer Church. The ministers chose one of their number to bee a perpetuall moderator of the common actions, and called him Bishop, as at Alexandria, where he was first hatched, and made at the first, but onely perpetuall president, and this was all.

3 In convocating Provinciall Synods according to the Kings rescript, 4. in moderating Synods, and giving the last voyce.

Their Provincial Synods are not like the provincial Synods which wee went to have. For ours were but Synods of Shires, 4, 5, or 6 chiefest Presbyteries assembling together twice in the yeare. But their Provinciall Synode is a Synod of the Bishops of one Province. All the Dioces of the Archbishop, and of his suffragans, or comprovinciall Bishops which are under him, make but one province. And seeing they have onely two Archbishops, they can have but onely two Provinciall Synods. The Metropolitane convocateth the Provincial Synod upon the Princes letter, which happeneth very rarely. If the Prince direct his letter to any Bishop, as sometime hee hath done, when need is there of a Metropolitan. For they say we can not have Synods, unlesse we have Metropolitanes to convocate them; and this is a chiefe part of his function. If so be, why doth he not exercise his function without a particular letter of the Prince, as well as the Bishop doth in convocating his Diocesan Synod. If that be a part of his ordinary power to him, as this is the other why doth it depend on the Princes

lawes,

tter, and how dare a common Bishop take up-
him notwithstanding of the Princes letter,
t which of office apperteineth to the Metro-
tan. Ye may see that this part of his function
, is not of divine institution, that is so de-
ant and changeable at the pleasure of prin-
, as they confesse themselves, Neyther is it
site of necessity to haue a Metropolitane
convocate Synodes, for Synodes at the first
bled without Metropolitanes. And in our
, both in our owne, and other reformed
hes, Synods haue assembled, where there
Metropolitane. Nay rather, Synods would
more frequently convocated, if they were al-
gether removed: it is so farre from the truth,
ther we cannot haue Synods, unlesse we
Metropolitanes, or that God hath ordai-
his word that they should convocate Sy-
. For we haue no Synods Metropolitical,
ely Diocesan, since Metropolitans haue
set over our heads, nor yet national, but
, and dressed before hand for their par-
. If it be not of divine institution, that the
opolitane should convocate Provinciall
s, rather is it to moderate. And as for
bury there is none, as experience of our
and other reformed Churches can beare
sse: yea in their owne last Synode, Yan-
B. Bishop of London was president. It may
that it was his Papisticall office, which hee
of old. For in the Catalogue of the seventy
Bishops, *Canterbury is made the head of all*
Churches, all Bishops sworn to Canonicall obe-
ce of that Archbishop, and dispence of all privi-
ges and rights of that seat. Where the Bishop of Lon-
on is Deane to call Synods, to publish his de-

T. C. 2. Reply, p. 644.

crees,

crees to ma[illegible]stume of the execution, Winchester his Chancellour, Lincolne his Vicechancellour, Salisbury his Chaunter, Worcester his Chaplaine, Rochester his Crosse-bearer.

As Archbishops 1. in receiving of, and answering to appellations interposed, & made from his Suffragane Bishops. 2. In visiting the whole Province according to the lawe and custome.

As the Bishops have suffragane Bishops under them, so the Bishops themselves are Suffraganes to the Archbishop. They are not his suffraganes, as he is Metropolitane, but as he is Archbishop. So that as Archbishop he hath greater authority then he hath as Metropolitan. For as Metropolitan he must doe nothing without a Synode, in the Dioces of another Bishop neyther by receiving appellation, nor by way of visitation. But as Archbishop he may receive appellations, and visite the Dioces of his Province without a Synode, as being not onely superiour in honour, and priorite of order, but also in power of jurisdiction. And for this greatnes, which he attained unto, he beareth the proud title of Archbishop. The old Bishops knew no other but a Metropolitane, & the Provincial Synode assembling twice in the yeare, to the which appellations were made. It is troublesome, say they, to call Synodes so often, Dioces are so large, and the Synode should be wearie to stay till all the appellations of inferiour Courts were decided. Here a rotten stroke. First they say, it is needfull to have Synodes, and therefore needfull to have a Metropolitane, This against they crosse and say that

there is no need of Synods, it is difficile and incommodious to have two provinciall Synods in the yeare, as of old. The Archbishop may doe all that the Synode did, receive appellations, visit and correct the excesses and defects of other bishops, onely he may not make Canons and Ecclesiastical lawes without a Synod. Neither is there any need of new Canons, the old are sufficient. But I would demand, why Synods may not be so easily, and so often convocated as of old? Is it because they have their Dioceses extended over one, two, or three Shires, and the province extended almost as farr as the kingdome: as Canterburies province in England, and Saintandros in Scotland. Their wings should be clipped, their Dioceses and provinces contracted and multiplied, if that the Discipline of the old Bishops were to bee preserved, that Synods may assemble. But before they loose any part of their extensive power, and large impire, they will rather retaine the corrupted discipline brought in under Antichrist. If they will say on the other side, the Dioceses were as ample of old, then why doe they pretend to their loytering in their owne, or the Kings palace, the distance of their Dioceses. And if they will not convocate Provinciall Synods twice in the yeare, what is the reason that they will not convocate once in the yeare, or as was concluded in the Councell of Basile, once in three yeare? Yee may see, that this corruption is so grosse, that it was palpable in the time of most palpable darknesse. Againe, Synods did not assemble onely to make Canons, but also for to put order to all causes Ecclesiasticall. Farther, there is communall occasion to make new Ca- Can.

pons, and also to reforme or repeale old corrupt canons. Neither doe Synods need to stay here upon appellations of the Church should meddle onely with causes properly Ecclesiastical, and the ancient judicatories inferiour were restored to their synodes, and consistories. But meddle with tythes, testamentarie and matrimoniall matters, and to set up Archdeacons, Officials, and Chancellours, and the rest of that rable, it may well procure more appellations then a grave and godly Synode should be troubled with. When all is done, yet Cantuariensis doth not, nor will not take the pains as yet to seeke to decide the appellations. Hee hath a Court, which they call the Court of Arches, *Whose stile or Judge, the Deane of the Arches is wont to decide all appeals of all men Ecclesiastical throughout the province of Canterbury. Also there is in the same Court to determine the pleas of the Archbishop of Canterbury, his Knights-at-Arms, and Peculiars.* And another Court, not unlike unto this which they call the Court of Audience, *Which is wont to receive complaints, causes, and appeals of the Archbishop.* So yee see, what way the ancient Synods are gone. Neither to amend by making Canons, nor to execute them by censure, should be committed to the pleasure of a man. And yet by the way remember, that the Prince with advice of the Metropolitan may make Canons also. Howbeit the Archbishop is not to grapple with the faults of the provinciall Synodes, nor grace may not at every time of the sitting of the Synodes are and parliaments. And whereas he may visit if he please the whole Dioceses of his province, doe yee think hee will take the pains himselfe? who then shall

Cand. Brit. p. 181.

attend on Court and Councell? Yea I suppose that seldome hee sendeth his Chancellour, or any other for him. By the Canons of the Councell of Trent, the Archbishop may not visit the Diocie of another bishop, unlesse the cause and necessitie be first tried in the provinciall Synod: so that the fathers of that superstitious and bloudy councell, were ashamed of the Archbishops exorbitant power which the English retaine. And the English say, *that during the time of the Archbishops spirituall visitation, by the jurisdiction of the ordinary is suspended, that Bishop should not be spirituall, but wholly separate from, and under the Archbishop, as his delegate.* The Archbishop may with the Princes consent without a Synod depose a bishop, saith *Whitgift*. If bishops be such vassals to Archbishops, what slaves thinke yee poore ministers be?

Sess. 24. c. 3. De reform.

Down. def. l. 2 c. 6 p. 112 113.

Whitgift. p. 440.

As Primates, or lesser Patriarches, 1. of right, as to admit appellations from inferiour judgements immediately. 2. of the prescription of time, to have the custody of Ecclesiasticall jurisdiction during the vacancie of any Episcopall See within his owne province.

Yorke is stiled Primate of England, and Canterbury Primate of all England. There is a fine composition of an old plea. what they may not doe as Metropolitanes, they may doe as Archbishops, and what they may not doe as Archbishops, yet they may doe as little Patriarches. As little Patriarches they may receaue appellations immediatlie. So where one may

not make a leap from the Archdeacon or [illegible] Officiall to the Archbishop, and passe by the Bishop. Yet he may leap over him to that same man, as he is Patriarch. And as for custody of spirituall jurisdiction, during the vacancie of the Episcopall See, that was the right of Dean and Chapter.

According to the place peculiar to the Archbishop of Canterburie, 1. every Bishop of his province confirmed by him, must exhibit to him a Chaplaine, till he provide him some sufficient benefice. 2. As Primate of all England, he may grant letters of petition, whereby the appellant may procure his appellation without molestation offered to him in the meane time.

The Bishops have their Chaplaines, as Princes and Noblemen have more for pompe and glorie than for any necessitie or utility. For they will [illegible] more than one thing to the great Nobles, that concerneth pride of life. Noblemen for pride will not joyne themselves with their parish, where they are members, to worship God joyntly with them, as members of the politicall body, but must have their servile attending Chaplaines at home: yet they shall have many parishes to entertaine their benefices, not sufficient Chaplaines. Will the Bishops dispence them in this? Nay, they will be as noble in this respect as the noblest, and the Archbishop will lead the ring. Take this Primate of appellations from him, his letters of petition are deere of a doyt.

Accor[illegible]

According to the place, which they hold in the civill estate, either as common to both, or as peculiar to any one of them. Common to both, either by the common Municipall law, or by the grant of Princes. By the common Municipall law, either in things Ecclesiasticall, or in things civill. In things Ecclesiasticall, in which they have this prerogative, to receive and register the probate of wills, and to grant to the partie succeeding the administration of the goods of the person dying intestate, having at the time of their death, *Bona Notabilia* in divers Dioces or jurisdictions of their Province.

The Archbishop hath a Court which is called the Prerogative Court, *in which the Court sitteth upon inheritances fallen either intestate, or by Will and testament.* By the 92. Canon of the Constitutions made Anno 1603. All Chancellours, Commissaries, or Officials, or any other exercising Ecclesiasticall jurisdiction whatsoever, are commanded *to charge with an oath all persons called, or voluntarily appearing before them, for the probate of wills, or the administration of any goods, which they know, or move by any speciall inducement, to verily believe that the partie deceased, (whose testament or goods depend now in question) had at the time of his or her death, any goods, or good debts, in either Diocis or Diocis, or peculiar jurisdiction within that province, then in that Diocis, or peculiar wherein the said partie died, amounting to the value of five pounds.* *Camd. Brit. 181.*

And if the said person shall upon his oath affirme, That he knoweth, or firmly believeth, that the said Goods belonged to any good debtor in any other Diocese, or Diocesis, or peculiar iurisdiction within the said province to the value aforesaid, and prove it by two witnesses: then shall he forthwith deliuer him, not presuming to intermeddle with the goods of the party so dying intestate: and if any shall plainly declare and confesse, that the said goods belonge to the iurisdiction of the Archbishop of Canterbury, Bishop of London, or other Bishops, Bishops and other persons to whom Prerogatiue is granted, that then the said Bishop or person shall have power within the limits of his iurisdiction, and by the law of the prerogatiue granted unto him, to call before him the parties, the witnesses and examination, and the rest of the proceedings touching the Rate of Goods, and the Probate thereof in the Prerogatiue Court, as is aforesaid, and according to the value of the goods, as before is mentioned, that the said Bishop or person shall not meddle with the said goods or the Probate thereof, but that the same shall remaine and be intended for the Prerogatiue Court. And the many Dioceses by composition or custome have Peculiar Courts erected at a greater summe. Here the Archbishop hath a Court for testamentary matters, which are meere ciuill, and belongeth nowayes to a spirituall Court, which they and ought to be heard and determined in Courts temporall.

In ciuill things is 1. to have the title of Clemencie, which in English we call Grace. 2. to have præcedence before all the Peeres of the kingdome.

This title and stile of *Grace* is not granted to any

...y inferiour to a Duke, so that they have a ...e aboue Marquises Earles, and Viscounts. ...hey mock at Christs words *Luke* 22. 25. when ...y say, that Christ forbad his Disciples onely ...be called bountifull or benefactors, but not ...be called gracious Lords. For Christ for-...bidding his Disciples to beare ciuill rule and ...emporall dominarion, forbad them the stiles, ...which were attributed unto, or usurped by ci-...uill Princes, and magistrates, to set forth their ...power and power, and for example he alledgeth ...the stile which was given to some of the kings ...of Ægypt, by one stile meaning all other of the ...like kinde. For as he forbad them not onely to ...be like the Kings of Ægypt, but generally like ...the kings of the nations, so the stiles of all secu-...lar Princes and Rulers, that rule Nations and ...kingdomes, are forbidden. Further, there is ...greater pompe in the stile of *Grace*, then of be-...nefit or, and lesse truth: for there are none so ...craftie, vnclement, and cruell tyrants in the ...world either of Popes or Princes to scourge the ...Church of Christ. These base fellowes must ...haue place before the greatest Nobles in ...the land, and the chiefe seat in publike conuen-...tions, and parliaments. Canterbury must haue ...place before the chiefest officers of the king-...dome, Yorke before all except the Chancel-...lor like the ambitious sonnes of *Zebedee* seek-...ing to sit the one at the right, the other at the ...left hand of Christ in his kingdom, which they ...deamed should be a glorious worldly Monar-...chy. They haue also traines of men to attend ...upon them, greater then many Noble men, and ...some to beare up their taile, which no Noble ...man hath. Etc. The Doctours of the ciuill law *Abstract.* 237.

attend in their Scarlet robes upon Canterbury his grace, when he passeth through Pauls. And as I heare, when any come to his Chamber of presence, they must hold off their hats, howbeit his grace be not present himselfe. We shall see more of their pompe in the next chapter.

By the grant of Princes, as Immunities, liberties, &c. in their owne large fieldes or possessions.

Their immunities, liberties, priviledges and jurisdictions in their Baronies and large possessions, are but temporall, nothing availing to further and advance Christs kingdom. The particulars are best known to them, who haue seen their charters.

Peculiar to any one of them, to wit, either to York, as to haue the præcedence before all the officers of the kingdom, except the Lord Chancellour. Or to Canterburie, as 1. to take the place before all the officers of the kingdom: whence it is, that he is called the first Peere of the Realme. 2. to inaugurate the king at his coronation. 3. to receive the rents of the lands, which hold of him in homage, while the heire is minor, not full 21. years, howbeit the same heir hold other lands in chiefe of the crowne. 4. to hunt with his owne hounds in any parke within his own province.

Bishops are made Peeres of the Realme, and Canterbury is the first Peere, therefore he must haue place before all the officers of the kingdom whereof we spake before. He must inaugurate the king at the coronation, which is a duty

not

not apperraining to him: for the rites of coronation are not parts of the pastoral charge. And supp. if they were, they belong no more to a bishop then to a minister, or to one bishop more then to another. For if there were no more, but to make an exhortation, to conceive a prayer, and blesse, a minister may do that as wel as a Bishop, or a bishop as well as an Archbishop. Bishops have vassals under them as noble men have. *William the first ordained Bishopricks & Abbies, which held Baronies in pure and perpetual almes, and untill that time were free from all secular service, to be under military or knights service, enrolling their Bishoprick and Abbay at his will and pleasure, and appointing how many soldiours he would have of them to finde for him, and his successours, in the time of hostilitie and warr.* As they became vassals to kings & Emperours, so they laboured to have many vassals under themselves, insomuch that noblemen became their vassals. The Earls of Gloucester had lands of the Bishop of Canterburie on this condition, that they should be his stewards at his installing. And howbeit the king should have the custody and ward of the lands of those who hold of him in chief for knight service, till the perfect age of the heir, yet the lands which hold of the Archbishop excepted. Parsons & ministers should be content of their glebe lands, not meddling with superiority over vassals personall or reall wards. Their bishops have parks & ponds, besides their palaces, for hunting & fishing. Canterburies grace may hunt in any park within his own province, that is through all England except 4. dioceses, a pastime condemned by the ancient canons in clergy men. *Hitherto (saith he) never read of a hunter that was a holy man.* Cand. Brit. p. 170.

By

B statute, as to grant the Grace of the Canons, and other Ecclesiastical laws, through all the Dominions of the English Empire, which (graces) they call Faculties.

Canterburie hath among other courts, a court, which they call the court of Faculties, *wherein there is appointed a chiefe Prelate, Who heareth out our hast of their grievances and requests, that are continuers for some moderation, and dispensation of the Ecclesiastical law sometime, as they pretend, obstinat in rigorous and Kalendarial, Who amendeth the defensions.* The Laws of God may not be dispensed with. If Ecclesiasticall ordinations, which are made by men only, be too strict, their rigour may bee relaxed, when and where there is a necessitie. This power ought to bee considered by the Ecclesiasticall State, and not reserved to the Archbishop of Canterburies grace, to be given, or not given at his pleasure. For in this court of Faculties, dispensations are set to open sale, and Rome as the admonition to the Parliament, *P. 3.* shall there be a just cause to remit of the rigour of the Ecclesiastical law the enjoyment shall be granted to the petitioner without money. If there be not a relevant cause, there shall no shall be no dispensation granted at all, for no money. So this power to dispense with Ecclesiasticall laws, is to dispense with the Canons of the Church, & to wound that which is yet whole and sound.

Imd. Brit. 181.

Synod. Rom.

It was enacted, 25. *Hen.* 8. that the Archbishops of Canterburie for the time being, and his successors, shall have power and authoritie from

from time to time, by their discretions to give, grant, and dispense by an instrument under the seale of the said Archbishop, all manner such licences, dispensations, compositions faculties, powers, delegacies, instruments, and all other things, as heretofore have been used, and accustomed to be had and obtained at the See of Rome, or any person, or persons by authoritie thereof as same. *Provided always that no manner of* 2. Reply. 2. part, p. 97.
signature, license, facultie, or other writing,
grant to be passed by the Archbishop,
by common law, matter of such importance, that
time for the execution thereof at Rome, extended
the space of four months, or a year, shall in any
sort take execution, till the same be once, insti-
tuted, sealed, registred, or other writing, of what
nature soever it be, be first exhibited by his
Holiness Bulls in face here, Kings of this Realme,
or the great seale, intituled in the Chancerie
Roll by a Clark to bee appointed for the same.
was therefore justly written by Mr. *Cot-*
ton that the Archbishop (having professed obedience to the King) was made Pope in the Bishop of Romes place, and that he exercised an unlimitable and filthy Matchiavilisme.

These faculties are to be considered, either particularly, or generally, 1. particularly, such as are often granted after summary examination and trial of the cause, as 1. to appoint publick Notaries, 2. to give licence to the sickly, women travelling with child, aged and diseased persons to eat flesh on forbidden dayes, for some politicall respects, 3. to solemnize matrimonie, howbeit

ber thrice open publication of the Banns hath not preceeded. 4. In cases which belong to benefices.

Notaries, which are called Registers, are appointed by Bishops, and Archdeacons respectively. Publike Notaries appointed by Archbishops, serve, as I suppose, the Dioces of the whole province. Seeing they have such number of courts and Officers under them, depending wholly on them, it is no wonder, that they have this prerogative engrossed in their hands also amongst many more. If he grant licence to eate flesh onely for politicall reasons, wherefore are the same fasting dayes, or dayes of abstinence from flesh observed, which the Papists observe? wherfore doth the curate in time of divine service make publike forewarning of these dayes, as they are to fall in the weeke following? and why are not politick judges appointed to grant such licences? It is the old superstition then, not new policie, which is respected. Do none obtain licences but the diseased, aged, &c. and obtain they licences without money? The 101. canon of their last constitutions, giveth power to the commissarie for faculties, to grant licence for marriage without 3 proclamations preceeding, only *to persons of good state and quality*, as if persons of mean estate or quality, could not have as necessary a cause to seek relaxation of 3 proclamations. But if ther be any quantitie of money in the purse, the person is of sufficient quality. By these licences, children are sometime married without consent of their parents, and sometime the heire is carried away, and married without further notice. Precontracts are deluded, persons having interest which

might

might take exception, not being publickly warned: a way given to clandestine marriages: the congregation mocked, when two of their members are joyned in marriage, they know not where nor when. As for taking caution & security to make good the conditions required of of them, yet saith the defender of the last petition for reformation, *that licences have been abused,* Pag. 217.
as much as before, and that the first neglect of the canon layd upon the heads of the parties, which may be knights of the post, and men of no worth.

In causes which concerne benefices, as 1. to abolish irregularitie, not wilfully contracted.

Irregularitie is an impediment of the Canon Law, which maketh a man to take on orders, or to minister into them, and consequently to bee admitted to benefices, or to enioy them. All the Popish irregularities, which are not expresselie tak n away, either by their late canons, or statutes of the Realme, stand still in force with them and they may observe them, as they please. To sit in judgement upon bloud, was irregularitie of old, yet these Bishops, make no skruple of it, or any other thing may serve to advance their greatnes. That which was reckoned amongst irregularities, but was in very deed a divine, and not a Canonicall impediment brought in by man, they made least account of, to wit, the irregularity of apostasie. For they allowed Popish massemongers, men for all seasons, K. *Henries* Priests, K. *Edwards* Priests, Qu. *Maries* Priests to be preachers of the Gospell in the daies of Qu. *Elizabeth*, as the authors of the admonition to the Parliament do testifie.

When they would cover their Apostasie with Peters fall, Mr. Cartwright maketh this distinction. Peter (saith he) Christ set down, or in time of his humility, they say, may be mistaken from the Apostle, and not to be a rule of the right kind of Government. Peter did not so (saith he) that I will not say, he should not be followed: they go further, and say, that Christ himself (saith he) did not use the like: Whereby (saith he) it is gathered, that Peter's fact, in some cases, may not only not be followed, but also be condemned. Lo, all the Power of this Bishop is set down, and all the Reverence of his Person, that they afford him, that they may be free to ordain, and set down Laws of Christ in their Assemblies, and to say they do well, and that we ought to submit ourselves unto, and obey the same, as unto his Ordinances, and to serve the Saints as Disciples, Brethren, the enemies of Christ, that did not serve Christ, but stood in the cause of his Person against the Antichrist. And again they set down, that he reproved him, did mock and scoffed at him with this kind, as Brethren, forgive him, they have forgiven him, according to the number of Disciples, Brethren, Love them, and discretion of time, Thou shalt not be hurt any more. Peter was called unto it by no other hand himself, and not by man, and after instructed, reformed, and confirmed in his Apostleship. Christ was the Lawmaker, and not Peter, as he with his own law. But the Laws which were after him shall not come unto me to do the office of a Priest unto me, or unto any of my Laws things in the most part, but that I shall bear their shame, and their condemnations, Blindly that

a. Reply. 2. part p. 178. 179.

P. 178.

committed, Ezek. 44. 13. Notwithstanding of their repentance, they were not restored to the Priesthood again. If they do unfainedly repent, they may be received againe into the bosome of the Church: but because of the skar which remaineth after the deep wound of their fearfull Apostasie, they ought not to be restored to their degree of the Church. Men proving inconstant in the faith, are not fit to bee made captaines in the Lords armies. Bastardy is a true irregularity, a rush impediment to inable a man to receive orders. It were not too tedious to run over and apply all sorts of irregularities, we should finde an huge number of irregulars by the Canon law, amongst their Clergie men.

2 To abolish likewise simoniacall suing for promotion to benefices, or orders.

Their Simonie cannot bee expressed more lively, nor controlled more sucinctly, then it is done by Mr. *Brightman* on the Revelation. *Cap.* 3. *v.* 1. *Sardis, their Bishops were simoniacall, suing for livings, and ambitious. For I must know, and take a generall note of it, that of the Bishops Clergie, and all, we shall let us begin at the highest steadings. The Bishops, as they call them, are both in very deed and in Gods account, a company of beggarly Prelates. In whom a man may see the spirituall whale that was thrawed against the family of Lais men bowing themselves: the ground for a piece of silver, or a morsell of bread, and craving to bee put into one of the Priests offices, that he may have a fling at a cruse of broth. 1. Sam.* 2. 36. *Now for the rest, touching the vanities of their more full purse, like unto lustily, such as we call stately beggars, that running*

running up and down as there among them, What bribing, What importunate and impudent begging, What flattering offers do they make of all their obsequious and dutifull complements, that they may come by these Ecclesiasticall promotions? You may see many of them that post up to the Court, or to the house of the right honorable, the Lord keeper of the great seale: for these two places are like to the beautifull gate of Salomons temple, All such Asses come into the Lyon's skin, and they are in great hope to carry away some good morsell. Others there are that become followers of Nobleman, and Peers of the land, These Chaplains they become, although I term them, as I may call them, under their protection, for What end, trow yee? Even for this and no other, that a stone as any lumpe as they call it, shall fall void, they might enjoy it by the Lords gift. And doth not this, I pray thee, seem to be an unjust Lay to get a Church living, no lesse unlegall then any of the rest? But is not this carrying of favour more leggery? Is it not? Is it a little politick thing to come to a rectorie or Personage by favour then by money? If we do judge in this point, it is all one fault to creep in by the window by bribing or simonie, or by fawning at the doore. The rest of the rout in the Country are different matters of the common sort of Lawyers, Those the shifters by Dealing at, Those Dicers and coursers, as if they were their companions, Those drunken Lechers, eye and nail, Those servants by all one Oath false Bawds, and promisers, to be their speakesmen and in every place and point play the parts of notorious leggers. Some there are that beg more craftily, like to those that sit in the high Bayes or in places where two Bayes meet, and there by stretched neck to passengers, to get a piece of money

then

benefice as it were a penniworth for a penny. So the men make way for their suits, by large giving of money in hand, or else by compelling to give some of their yerely tithes for a gratification. But some man will say, all this is not the corruption of the Lawes, but the corruptions of men. Nay truly, as long as that manner of conferring Ecclesiasticall charges taketh place, which hath been in use among us to this day, there can be no remedie applied to cure or prevent this beggarlinesse. Doe wee not sufficiently find it to be true in experience? In the late Parliament, Lawes were enacted severely against it. But what came of that? nothing truely, but that it made men deale more closely and cunningly, to elude the Law. We must not thinke to doe any good with our Lawes, where Christs Lawes are not obeyed. But to proceed, whence once the living is by any title obtained from the Patron, what a deale of begging worke is there to come, for those Sir Iohn-a-Latines, that institution might be had from the Bishops. Heere he must supplicate, not only to the right reverend Bishops, but to Master Examiner, to my Lords Groom of his Chamber, his Register, the Yeoman of his Buttrie, and Larder, yea, the meanest, that belongeth unto him. Not that want of Latine and learning will keep him from entrance into his benefices; but that he that hath need of money for dispatch, or speech with my Lord, or the like, must see these servants the better, whose gaine commeth trowling in this way. There is no Castle so defenced which a Latinelesse asse laden with golden wedges, may not scale and conquer. Neither is there any almost so unfit, that hath the repulse, but by what engines he prevaileth, let them looke to it. The like is the condition of Prebendaries, Archdeacons, and Deanes. Nay, are the Bishops themselves cleare

of this base beggarie? What meaneth them, that continuall haunting of the court, and hanging upon the Nobles? Why doe they not stay and wait, till they be sent for? yea why are they not rather pulled away from their studies against their Wills? Nay rather, a man should appeale to their consciences, Whether are not some of those fat dennesses of their Bishopricks let out of their own accord, to such as they take, and sue to that might farme and live them, or else are there not other large bribes covenanted to be given such, as shall stand them in stead, for attaining of those dignities? But are they onely thus beggerly in their ambitious suing for their promotions? Nay truly some of them are grown so extreamly base the way, that if they bee to change their Sie, they pay not their first fruits, but by making together in a fully fashion, annalates from the poorest Vicars, which must goe under the name of Benevolence, to make it cleanly cloke withall.

The price of simonie is not onely a gift in the hand, of money, but also the servile flatteries of the tongue, prayers and solicitations, and officious services of the body. Some Bishops have made their porters ministers, as the authour of the petition to the Queene doth witnesse. Simonie is compared to the leprosie of *Geizi*, but they have a water to cleanse it, the Archbishops court of faculties, where the Simoniacall person may be washed, by a gracious, but a costly dispensation.

3. To grant a vacant benefice in title of trust (which they call a Commendam) either for a time or during life.

Wee alledged before an example of him that was Bishop of Glocester, and withall commen-

dams

tare of the Bishopricke of Bristow 16. yeares together, by the late Queenes dispensation, as mentioneth *Godwin* of Landaffe in his commentarie of the English Bishops. Bishops are not content with commendams of Bishoprickes, but to make their Bishoprickes more corpulent as fat, they take also fat parsonages, vicarages, and Prebends, in commendams. P. 59. 597. Petit. Anno 1603.

4 That the sonne may succeed immediately to his fathers benefice.

If the sonne claime kindnes, as we call it, to his fathers benefice, he ought to be repelled, and no dispensation should further him: for the ministery doth not now discend by generation, as in the tribe of *Leui*. But if he be sought, lawfully chosen, and called by the Church, he may very well be admitted to his fathers benefice, without the dispensation of any Archbishop.

5 That for a time, and for some weightie cause, the beneficed person shall not bee bound to make residence, but may serve by another that is sufficient.

Beneficed men are licenced to take up the fruits of the benefice, without making residence at their cures, and charges. The Chaplaines of the King, Prince, Noblemen, and Bishops, take the benefices of their parishes, and live notwithstanding at Princes, Noblemen, and Bishops houses. Mr. *Leaver* preaching before K. *Edward* 6. sayd, *Now my Lords both of the Laity and Clergie, in the name of God I advertise you to take heed, for when the Lord of all Lords shall see his sheep scattered, spilt, and lost, if he will follow the rule of blood, it will lead him straight way into your Courts, and your houses, wherein these great*

theeves, which murther, spoile, and destroy the flock of Christ, be nourished, kept and maintained. Hooper, preaching before the said King, said, that his Majestie should beginne at his owne Court, and compell the Chaplaines to serve the soules, that labour for their livings, otherwise he should put his owne soule in danger. The Courts then of Princes, Nobles, Bishops, and others, are the first dennes of these soule-murtherers. The second rank of dennes where they lurke, is the universities of Cambridge and Oxford. There the followers of their Colledges, benefited persons do make residence, but not at the Churches to which their benefices belong: but, as a Countryman of their own saith, making and dying there, like snailes within their shells. The third sort of Non-residents, are Deanes and Prebendaries, living in their Cathedrall Churches, as in duty deveuring the benefices of Parishes lying farre off in the meane time. Others are permitted to take on orders, and to receive a benefice, but after, as unsufficient to go to the universities to learn for the space of 3 years; and all this time the parish doth perish with the famine of the word. The benefited parson who is non-resident, oftentimes cannot preach, howbeit he were willing: many other Non-residents there are, wandring vagabonds, which are neither living in any of those dennes. Some have hirelings to preach monethly or quarterly sermons for them, to their flocks: But because they are hirelings, they carie not true love to the flocke, but onely serve for a little hire to the benefited parson, and performeth the same action betwixt them; not thinking to render

Con. 46.

ant one day to the Sheep-master, but answer onely to the Sheepheard, the beneficed person, whose wages he receiveth. Therefore he dealeth not with the conscience, but perfunctoriously performeth his prescribed taske for hire; for he thinkes the sheep not his charge. M. Parsons. They are like the Philistim Priests, which laid the Arke of God upon a Cart, and hurled it with Oxen, which they would have carried themselves. Although I take herein too favourably of the greatest number of them, which doe not bestow so much cost, as a new Cart, and a draft of Oxen will come too, saith M. Cartwright. For they have learned their husbandry of him, then he, which teacheth that alwayes it standeth a man in least, which may be done by a poore aide. 2 *Repl. t. part. p.* 355.

6. That a Laym in studying to letters may attaine a Prebend, and yet not be compelled to take on the Ministerie.

If the office of the Prebendarie be necessarie, then the Prebend ought not to bee bestowed to another use. Then againe, to bestow upon a Lay-man, and not to prepare him for the use of the Ministerie, is farre from the intention of the donatour.

7. That a man entred in holy orders, and otherwise qualified according to the Lawes, may enjoy two Ecclesiastical Benefices, if they bee Benefices of Cure

within a certeine distance; if without cure, without respect of distance.

Rastal. residence. 2.

Pluralitie of benefices doth include also non-residence. For the pluralist cannot make residence at 2. or 3. divers parishes at once. By statute made 21. *Henr.* 8. it was provided, that spirituall men being of the kings Councel, may purchase licence or dispensation, and take, receive, and keep three Parsonages or Benefices with cure of soules, Chaplaines to the King, Queen, Prince or Princes, or any of the Kings children, brethren, sisters, vncles or Aunts, two parsonages or benefices with cure of souls. Every Archbishop, and Duke may have 6. Chaplaines, whereof every one may have two Parsonages or Benefices with cure of soules: a Marquise or Earle five Chaplaines, whereof every one may have two Parsonages, or benefices with cure of soules. Every Dutcheise, Marqueise, Counteise, and Baroneise, being widowes, two Chaplaines, the Treasurer and Controller of the Kings houses, the Kings secretarie, and Dean of his Chappel, the Kings Almner, and the master of the Rolls, two Chaplaines: the chiefe Iustice of the Kings bench, and the warden of the five ports one Chaplaine, every one with two benefices of cure of soules. Lords sonnes, Lords brethren, knights sonnes, Doctors and Batchelers of diuinity, Doctors of Law, and Batchelers of the Canon law. *Prouided also that euery Archbishop, because he must occupie 8 Chaplains at consecration of Bishops: And euery Bishop because he must occupie 7 Chaplains at giuing of orders, & consecration of Churches, may euery out of them haue*

two

two Chaplaines over and above the number above limited unto them, whereof every one may purchase licence of dispensation, and take, receive, and keepe as many Parsonages, or benefices with cure of soules. In the Record of the worthy proceedings, it is sayd, that by the provisoes of that statute, *the Kings Chaplaines may have as many benefices as they can get, without stint, and some others may have 4. benefices with cure at one time in severall counties, and some two benefices and lye at bee resident upon none of them, so long as bee attendeth upon his Lord and master, which is a thing intolerable in a Christian common wealth.* P. 10.

One person will have a *mastership of a Colledge in one corner of the land, a Deanrie in another, a Prebend in the third,* as Mr. Cartwright reporteth. The author of the petition to the Queen reporteth, that *many have three or foure benefices scattered one from another an hundred miles.* In the 41. Canon of the late constitutions, it is licensed onely to such as have taken the degree of a Master of Arts, at the least in one of the universities, and be publick and licenced teachers, to have moe benefices with cure, then one, providing the sayd benefices bee not more then 30. miles distant asunder. But what saith *Brightman* to the like Canon made before. *What hurt hath masters of Arts done thee, or how have they offended thee, that thou shouldst so deale unto them this mischiefe, to make them in the first place guilty of so great a sinne? Thou confessest that plurality is evil, and a thing to be suppressed, and yet thou givest them leave in thy indulgence to bee infected with this pestilent disease. Doubtlesse it is a notable privilege of their degree, that they may have* 1. Rep. p. 46. P. 71. Con. 41.

sought before any others. Pluralitie of benefices distant 30. mile, doth include non-residence, as well as of an 100 mile. The Sun is farther distant from us then the Moon, yet it is not possible for us to touch the Moon. The last petition for reformation relateth that double benefited men are suffered to hold some 2 or 3. benefices with cure: and some 2, 3, or 4 dignities besides. The defender of the said petition doth report, that their *double benefited men are almost sine numero.* If benefices without cure of soules, require notwithstanding an office and attendance upon that office, he cannot lawfully enjoy it together with a benefice of cure. It is observed by some, that there is not one almost of these bishops, but he was first a Non-resident or pluralist, or else hee could not have had sufficient meanes to obtaine the bishoprick.

P. 152.

Generally: whence it is, that the Archbishop may dispense in all causes not repugnant to the word, if heretofore they have been used or accustomed to bee had at the Sea of Rome, or if not accustomed to be obtained at the Sea of Rome, if the Prince himselfe, or those who are of his secret councell doe permit.

We heard of some speciall dispensations before: now we heare that the Archbishop may dispense in all causes dispensed heretofore by the Pope of Rome, and more also. The Pope was never duly qualified to be a lawfull dispenser, no more is the Archbishop. Where it is sayd, if the matter it selfe be not repugnant to

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the word of God, it is to no purpose: for the Pope will not say, that hee dispenseth in any thing repugnant to the word of God, howbeit he doth it in effect, and so doth the Archbishop. For simonie, non-residencie, pluralitie of benefices, readmission after the irregularitie of apostasie, observation of superstitious dayes and times, not eating of flesh in Lent and forbidden dayes, which are here expressed, are repugnant to the law of God. Therefore he may take the like liberetie in usurie, perjurie, incest, mariage within degrees of the Leviticall law, and the rest of the cases and causes which were reserved to the Pope of old.

It is not without reason then that the authours of the Admonition call this Court *a filthy quagmire, and perfumed plash of all abominations*, seeing the filth of all these abominations are washed here, and the guiltie person commeth forth after the Archbishops dispensation, as white as snow, leaving his filth behind in that Court.

Beside the Prerogative Court, the Court of Arches, the Court of Audience, the Court of Faculties, the Archbishop hath yet another Court, called *the Court of Peculiars, which hath in certaine Parishes exempt from the Bishops iurisdiction in some Diocesse, and are peculiarlie belonging to the Archbishop of Canterburie.* Hee hath also inferiour Courts, such as other Bishops have. You see then, Canterburie is a petie Pope, or according to *Bancrofts* reckoning, a vice-pope, made up of the old spoyles of comprovinciall Bishops and Synods and also with the new spoyls of the Pope, being armed beside with the Kings delegate tempoall

Camd. Brit p. 181.

temporall power in the High Commission, and so greater in his intensive power, then ever he was in time of Poperie. And when the union shall be accomplished, shal be greater in his extensive power also, with his Courts over-ruling our Nation, and shall be vice-pope of this little World, O if faithfull Patriots would foresee and prevent this. The least of their Ceremonies will prepare a way to this mischiefe.

Chap. 4.

Of the Dignitie, and Power of English Bishops.

IN the former chapter we did onely give, not grant superiorite of Bishops over Pastors, which being supposed, we medled only with the unlawfull power and dignitie of Archbishops, but the truth is, that the superiorite of Bishops over Pastors is unlawfull also. By divine Law, one Pastor is not superiour in degree above another, no more then one Apostle or Euangelist above another Apostle or Euangelist. The name of Bishops was not appropriate to any eminent rank of Pastors, but was common to all, as may be seene Act. 20. Philip. 1. 1. Timoth. 3. Tit. 1. 1. Pet. 5. And that their office was also common may be seen in the same places from whence Hierome in his Epistle to Evagrius doth conclude, that a Bishop, and Presbyter was all one. And in his Commentarie on the Epistle to Titus cap. 1. that *communi Presbyterorum consilio Ecclesiæ gubernabãtur*, the Churches were governed by the joynt

advice of Presbyters. Our Opposites say, that government was onely private in the inner court, the court of Conscience, not publicke in the externall court, or Consistorie. It was so in the time of Poperie, when the Priests were excluded from the externall governement of the Church, which Bishops did vendicate to themselves, and their Courts, the poore Priest having no further power, then to receive privately auricular confession, ponder the weight of secret faults, and accordingly to enjoyne penrance. But Hierome speaketh not of a severall, but of a common councell, and joynt care of many assembled together. For this private government in the inner Court of conscience, was not onely then, but continueth to this day, whereby every Pastor may deal with the consciences of any of his own flock. But Hierome speaketh of a government, which was altered after the Apostles times, and different from the Episcopall government which followed. When the Churches were thus governed in common, by joynt advice of Presbyters, they had not a perpetuall President, or as we use to speake, a constant Moderator, who had this preeminence during life set over them, to moderate the common Meetings, but they chooled their Presidents, and changed them, as they thought fit. No Pastor could claime this priorittie of order, and direction of the common Meetings, as belonging to him of office. The Apostles did no where institute this same small difference of Pastors, that some during life should be moderators of the rest, let be that majorittie of rule, and superiority in power, which Bishops doe claime. The Pastors, who were at Alexandria,

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the first we read to have set up a constant Moderator, to whom also they did appropriate the name of Bishop. This was the beginning of that great mischiefe which followed: This was the Cockatrice egge out of the which Antichrist himselfe was hatched: For this perpetuall Presidencie and prioritie of order, did degenerate in superiority of power, and majoritie of rule, and the Bishops growing to some grandeur, they behoved to have an Archbishop, and at last a Pope. So that if a Bishop had not beene, a Pope had not been, and if there had not been a Pope, the great Antichrist had not been. *Basnagius*, supposed to be the author of the Treatise *de statibus Eccles.* cap. 2. *sie*, wondereth that the Popes Monarchie should arise from so small a beginning. But the Apostle telleth us, that that iniquitie was a Mysterie, and that this Mysterie was working under ground even in his time. For even the Apostolicall times wanted not a proud *Diotrephes*, loving preeminence. A little seed will bring forth a great Tree. If the Discipline had not beene corrupted, as well as doctrine, the great Antichrist could not have risen. All the errours and heresies in doctrine and matters of faith, which have entered in the Church, could not have brought him in, unlesse errour and corruption in the government had entred in also, for unlesse this had been he could pretend no claime at all to governe and rule.

I come therefore to our English bishops. Let a man travell through Italie where the Pope is, or Spaine where the Spanish Inquisition is, he shall finde no difference betwixt the power of an Italian, Spanish, or English bishop.

bishop. The English bishop is the same now for power and greatnesse that hee was an hundred years since in the time of poperie. There are foure things chiefly to bee considered in him: First, the derivation of his power: 2. the sole exercise of his authority. 3. the deputation of this his authoritie. 4. his extensive power. As for the first, they are not bishops, as we have sayd, *iure divino*, by divine institution, or right, nor cannot bee. Neither are they Bishops by humane law, that is, the constitutions of the ancient Church, which imprudently and unhappily set up the first bishops, erring in taking up right the nature of Church government, and the qualities of the Antichrist, who was to be revealed but in the full time. For they are not of that kinde of Bishops, which ruled together with the Presbyteriе or Ecclesiasticall Senate, but they are bishops by the Municipall law of the land onely in the judgement of the lawes. For all their iurisdiction & power is united and annexed to the crown, from whence it is derived, as from a source, unto them, and by law they are bound, to make their proces and writings, in the kings name, and not in their own names, and that their seals should be graved with the Kings armes, as I have already declared in the first chapter. It is true, that they make processes in their owne name, and use their own seals, but herein they transgresse the formes prescribed by law. Their manner of holding *in Capite*, in chiefe of the king, their Episcopall power and jurisdiction is not changed for all that want of formalitie, as before I have cleared out of Bishop *Farrars* answer.

Sir *Edward Cooke* in the 5 booke of his Reports, doth prove, That the Function, and Iurisdiction of Bishops and Archbishops in England, is by and from the Kings of England; and concludeth, that though the proceedings, and progresse of the Ecclesiasticall Courts run in the Bishops name, yet both their courts and lawes, whereby they proceed, are the Kings, as M. Sheerwood in his Reply to Downam doth report. So then all the acts of their Episcopall jurisdiction are performed by authoritie derived from the King. If ye will call that authoritie civill, then actions of a spirituall nature are performed by a civill authoritie, which is absurd. But seeing this is impossible, that civill authoritie can be elevated to so high a nature, it must follow, that it is truely spirituall power, which is united to, and derived from the possessor of the Crown, I meane, in the estimation of men and judgement of the Law: howbeit in it selfe, and by Gods Law, it cannot be done. It followeth therefore that all the Iurisdiction properly spirituall, which the English Prelates doe exercise, as Prelates, is unlawfull, howsoever they have the warrant of mens Lawes. It is but onely to save their own credite, that they have set Downam, Bilson, and other their friends on worke, to plead, that Bishops are above Pastors *jure divino*, by divine Institution, which they are not able to prove.

Next is to be considered their sole authoritie, which is censured by Sir *Francis Bacon*, now Chancellour of England, after this manner, *There be two circumstances in the administration of Bishops, wherein I confesse I could never be satisfied. The one, the sole exercise of their authority. The o-*

ther, the deputation of their authoritie. For the first, the Bishop giveth orders alone, excommunicateth alone, iudgeth alone. This seemeth to be a thing almost without example in government, and therefore not unlikely to have crept in, in the degenerate and corrupt times. We see that the greatest Kings and Monarches have their councell. There is no temporal Court in any kind of the higher sort, where the authoritie doth rest in one person. The Kings bench, common pleas, and the Exchequer, are bodies of a certain number of iudges. The Chauncellour of England hath the assistance of 12 masters of the Chauncerie. The master of the Wards hath a Councell of the court: so hath the Chauncellour of the Dutchy. In the Exchequer chamber the Lord Treasurer is joyned with the Chauncellour and the Barons. The Masters of Requests are ever more then one. The Iustices of Assize are two. The Lord President in the Marches, and in the North, have Councell of estate. The Starre Chamber is an Assembly of the Kings privie Councell, assembled with Lords spirituall and temporall. So as, in all the Courts, the principal person hath ever, either colleagues, or assessours. The like is to be found in other well governed kingdomes and stated. Where the jurisdiction is yet more distributed, as in the Courts of Parliament of France, and in other places. No man will deny, but the acts, that passe by the Bishops iurisdiction, are of as great importance, as those that passe by the civill Courts. For mens soules are more pretious then their bodies, and have their good names. Bishops have their infirmities, and have no exception from that generall malediction against all men living, Væ soli, nam si ceciderit, &c. Nay, we see, that the first Warrant in spirituall causes is directed to a number, Die Ecclesiæ, which is not so in temporall matters. And we

see that in general causes of Church government, there are as well assemblies of all the Clergie in councels, as of the Estates in Parliament, whence this should this sole exercise of jurisdiction come? Surely I doe suppose, and I doe thinke upon good ground, that ab initio non fuit ita, and that the Deanes and Chapters were counsells, about the Seas and Chaires of Bishops at the first, and were unto them a Presbyterie, or Consistorie, and medled not onely with the disposing of their revenues, and ornaments, in as much more in jurisdiction Ecclesiasticall. But this is probable, that the Dean and Chapter stucke close to the Bishop in matters of profit, and the Parliament would not lose their hold. But in matters of jurisdiction (which they accounted but trouble and attendance) they suffered the Bishops to encroach, exercise, and so the one continueth, and the other is lost. And besides, that the Bishop of Rome (sacra à bonis docenti) and no question in that Church the first institutions were excellent) performeth no Ecclesiasticall jurisdiction, as in Consistorie. And therefore seeing this his Consistorie, but of the parasiticall of Rome, which terme themselves Cardinals, a Cardinibus mundi, because the Bishop pretendeth to see universall over the whole World. And hereof seeing these divers shadowes yet remain, in as much as the Deane and Chapter, pro forma, chuse the Bishop, which is the highest point of jurisdiction. And that the Bishop when he giveth orders, if there be any ministers casually present, calleth them to joyne with him in imposition of hands, and some other particulars. And therefore that seemeth to me a thing reasonable, and religious, and according to the first institution, that Bishops in the greatest causes, and those which require a spirituall assistance, namely the ordaining, suspending, or deprive-

giving Ministers, in excommunication, being restored to the true and proper use, as shall be afterward touched, in sentencing the validity of marriage, and legitimations, in judging causes criminous, as Simonie, incest, blasphemie and the like, should not prevaile and unassisted: which point as I understand, is a reformation that may be planted sine scrupulo, without any perturbation at all, and that a matter which will give strength to the Bishops, countenance to the inferiour degrees of Prelates, or Ministers, and the better issue or proceeding in these causes, that shall passe. And as I wish this strength given to your Bishops in Councell, so that it not unworthily your Majesties royall consideration, whether you shall not thinke fit to give strength to the generall councell of your Clergie the convocation house, which was of old restrayned, when the state of the Clergie was thought a suspected part of the Kingdome, in regard of their late homage to the See of Rome, which state now will give place to none in their loyaltie, and devotion to your Majestie. Where it is sayd here, that Deane and Chapters were at the first counsellers to Bishops, it is to be understood at the first time of erecting Deane or Chapter, not at the first setting up a Bishop; far lesse at the first forme of Church-government planted by the Apostles. For Presbyters were before Bishops, and when Bishops were set up at the first, they were set up by the Presbyterie, and that in the degree of perpetuall Moderatorship and Presidentship onely: neither was there a particular choice made of some Presbyters to sit in judgement with this President, nor another besides this President Bishop, to be Deane of the Presbyterie, for that had beene to make a President

Act. 11. above a president and some Presbyters Cardi-
Act. 21. nall Presbyters of more esteeme then the rest.
In the Church of Ierusalem all the Presbyters
Of the chur. l. 1. c. 28. p. 142. 143. governed, not a selected number. D. *Field*, a de-
fender of the hierarchie, acknowledgeth this.
*That for a long time there was no more set but one Presbyter then another, but all equally in-
terested in the government of the Church, Bare-
differently called to the election of the Bishop, vntil
confusion arose most clearly out of these words* Aerius
he proveth in speciall of the Church of Rome
by Cyprian. And the first appearance of this
difference, that not all, but Cardinall Presby-
ters only were called to the common consul-
tations in the Church of Rome (for there,
found, is in the time of *Gregorius Magnus*, that
is, about 600 yeares after Christ; yet he leaves
this as uncertaine. *But certaine it is* (saith
he) *that all the Clergie had interest in the choyce
election of the Bishop*, even in Gregories time. And
if now the whole ministerie and Clergie of
the citie of London should be admitted to the
election of the Bishop, are not some few Chap-
De clericis, cap. 2. piter men only. Yea *Bellarmine* himselfe saith,
*Non enim jus omnium definitur ut in pluribus ap-
paret inter clericos elegant. For divine Law hath not
determined that such and such of the Clergie were
then others, specially of these. But after Dura in pro-
L. 3. p. 143.* cesse of time, (saith D. Field) *the Cardinals only
had interest in the election of their Bishop, and
they and no other were admitted to sit in Coun-
cils with the Bishop, all other Presbyters being excluded.*
By which means the dignitie of these Cardinals Da-
P. 242. rely encreased. Again, *Now that Cardinall Pres-
byters were not only in the Church of Rome but in
other Churches also, as Durandus saith.* So the in-
stitution

stitution of this difference was so farre from being excellent, that it thrust lawfull pastors from the government of their owne particular charges, & the joynt government of the church, and increased the dignitie of Cardinalls. These Cardinals were but parish priests and Deacons, resident in their parishes and titles. So are not our Chaptermen. But that assistance and counsell in proces of time went out of use also. So it is very dangerous to depart from the right patern and shape formes of government to our selves. Alwayes this polititian alledgeth very pertinently to the shame of our bishops, and their false government, that the Bishop of Rome transformeth all Ecclesiasticall jurisdiction as in Consistorie. We heard how Archbishops were made up with the spoyles of the Synodes. So the Bishops were made up with the spoyles of the Presbyteries. Would you not thinke it very absurd, to see the Moderator sit by himselfe, exercise all manner of Ecclesiasticall jurisdiction without the Presbyterie. Of the Deane and Chapter wee will have occasion to entreat anone.

The third thing to be considered in the English Bishop, is the deputation of his authoritie. He hath gripped greedily, and taken in his own hands, all the power of the Church, and when he hath done that, because he is neither able nor willing to discharge this burthen which he taketh on himselfe, hee transferreth his charge to other officers under him. He hath taken from the Pastors the pastorall staffe of government, which belongeth to every shepheard, that is set to keepe Christs sheep, and left them nothing but the pastorall pype, to preach and mi-

nister the sacraments, and hath put that pastoral staffe in the hands of strangers who are not the true sheepherds, that is in the hands of Chancellours, Archdeacons, officialls, and Commissars, vicars generall, and the rest of that Antichristian rable of officers.

The 4. is their extensiue power. For when the presbyterie choosed, and set up a Bishop, and no presbyter was excluded from common consultation and judgement, and their meetings behoved to be ordinarie, for exercise of ordinarie jurisdiction in the Church, wher they governed, the bounds of the Bishops jurisdiction could be no larger nor the bounds of the presbyteries jurisdiction, that is wher all the presbyters might convene to exerce ordinarie jurisdiction. All the presbyters of a shire, or countrie could not convene ordinarilie and weekly together to exerce ordinarie ecclesiasticall jurisdiction. Neither is any where in the new Testament, a visible Church endowed with power of ecclesiasticall government taken for a whole shire, or Countrie. We reade of the Church of Ephesus, Philippi, Ierusalem, Cesarea, Thessalonica &c. But to call the particular congregations in the countries extended in length and breadth about these cities, the church of these cities, is absurd, and no where to be found. It would be thought to speake ridiculously, who would under the name of the church of Sanctandros, comprehend all the congregations of Fyfe, Lothian, and Fife: or under the name of the church of Glasgow, all the congregations of Teviotdale, Nithisdale, Clidsdale, &c. Citie churches and towne churches the scripture knoweth, but not countrie churches. For

hen the ſcripture ſpeaketh of a Province or Countrey, it ſpeaketh in the plurall number *Churches*, not *Church*, in the ſingular. Seing then there was no Dioceſan Church, ther was no Dioceſan Presbyterie, nor Dioceſan Biſhop. No Church is above another. The Church of Corinth had no ſuperioritie over the Church of Cenchrea, which was next adiacent. And conſequently the Presbyterie of one Church hath not ſuperioritie over another Church, therefore the Biſhop choſen by the vote of the Presbyterie of one Church, hath not power over the Presbyterie of another Church. Neyther can he poſſibly exercise ordinarie iuriſdiction in divers Churches, and Presbyteries, except yee will make him a Pluraliſt, and haue him gallop from one to another, to keepe the ordinarie meetings, which galloping was not knowen in the Apoſtles times. But Biſhops haue ſpred their wings over many ſhires and townes, whole Countries, and Shires, that they are not able, ſuppoſe they were willing to execute the power, which they claime, in their owne perſons, but muſt of neceſſity depute others. And whom depute they, I pray you? Doctours of the civill lawe, whom they make Chauncelours, Officials, Commiſſaries and other officers of the Canon law. Suppoſe they ſhould depute eccleſiaſticall perſons onely, yet this ſhould not free them of guiltynes. For it is a perſonall duety which the ſcripture requireth of the officebearers of the Church.

At the firſt Biſhops were placed in little townes, aſwell as in great cities, and were not

so thin sowne, as since that avarice and ambition have made them to disuse obscure places, and to strive who should have the largest Dioces: Nay even in England the Dioces of old were not so large as now. The Bishoprick of York hath devoured many smaller bishoprics next adjacent, as *Camden* reporteth in his *Britannia*. The Bishoprick of Lincolne hath likewise devored many bishopricks, which were in the time of the Saxons, and howbeit it hath been greatly impaired, yet there are 1247. parish churches in that Dioces at this day as is related by *Camden*. These generalls being premitted, I will be the briefer in the particulars.

Bishops considered simply as Bishops, of which in England there are 24. whose estate is to be considered, either in the common-wealth, or in the Church. In the common-wealth, in that they have the title of Lords in respect of their Baronie annexed to the Bishoprick, 2. to have precedence before other Barons in the convention of the three Estates, or in other meetings.

They tell us that *Elias* and *Elizeus*, 1. *King.* 18. 2. *King.* 2. were called Lords, and if the prophets were of old so styled, why may not they also? By this reason all prophets and pastors should be so honoured. But the truth is, that the name of Lord was given by the wife to her husband, *Gen.* 18 12. and to any man of honest account, howbeit to mean men, as to *Philip. Iob.* 32. 21. to Gardiners, *Iob.* 20. 15. and was more common among the orientalls, then *Sir* is with us.

Elias

Elias and *Elizeus* were not Barons, and for their Baronies stiled Lords aboue the common sort. But that stile is with us attributed onely to Lords of dignitie, to Noblemen, and other officers of State. As for Bishops, you may see, that they are so stiled in respect that they are Barons howbeit D. *Downam* doth alledge, that they are so stiled in regard of their spirituall office and jurisdiction. The first respect is forbidden, *Luk.* 22. 25. as wee have sayd before. The second respect is as unlawfull: for there are no Lords in the Church but one Christ, who is Lord and King. Their ambitious and arrogant precedencie in taking place before great Barons, is another part of their pompe. Their statelinesse and pompe is set forth also in their glorious palaces, & sumptuous buildings. *Your chambers doe shine with guilt, their walles are hanged with cloth of Arras, their cupboards are loaden with plate, their tables and dets are furnished with multitude and diversitie of dishes, their daily diets are feasts. They have 30. 40. 60. or more every one of them of men waiting on them, some before some behind, whereof three parts of them (set a part the carying of a dish unto the table) have no honest or profitable calling to occupie themselves in, two houres in the day, to the filling of the Church and common wealth with, with all kind of disorders,* as Mr. *Cartwright* an eyewitnesse doth testifie. Many Churches lye desolate for want of sufficient provisoes, whose impropriations are appropried to bishops to maintaine their pompe and statelines, and bestowed upon keeping great horses, carothes, and traine of men. I need not to insist in this poynt, it is so sensible to any man, who hath but common sence.

Defens. l. 3. p. 150.

1. Reply p. 97.

In the Church by reason of their calling or of their function. In their externall calling to the Bishopricke, some things respect the Prince, some things respect other Bishops. The Prince before election may 1. nominate. 2. grant facultie to choose. After the election finished, 1. yeeldeth his Royall assent, 2. directeth his mandate to the Arch-bishop to confirme him and other two, to consecrate, 3. exacteth the oath of homage from the new bishop. 4. Restoreth to him the possessions of the Bishoprick. Such things as respect other Bishops, respect either the Archbishop, or him and others: the Archbishop, as him who is to confirme the election. Him and two others, as who are to consecrate him according to the direction of the book of orders.

When the bishops Sea is destitute, the Deane and Chapter make intimation to the King of their want of a Bishop, and humble supplication for licence to choose another. The King by letters patents under his great seale, granteth them licence: and with the letters patents sendeth a missive, commending the person, who is to be chosen, some man who hath waited long on the Court, and promised to some courtier an annuitie out of his Bishopricke during life, or some other gift. After this election, which is made after the Papisticall manner by Deane and Chapter, and superficiall manner, or *pro forma*, as Sir *Francis Bacon*, now Lord Chancellour

lour, sayd, the Deane and Chapter do intimate their feigned processe of election to the King: againe, praying the King to yeeld his Royall assent to the Lord elected. The King directeth his letter patents for warant to the Archbishop, or some other whom hee shall appoynt, to confirme and consecrate my Lord elect. The consecration being finished, and the bishop having done homage, and sworne fealtie, the Kings writ is directed out of the Chancerie to the Escheator, to restore to him the temporalities of the Bishopricke. And the Bishop may procure another writ out of the Chancerie, directed to his tenants, commanding them to take him for their Lord. This order of proceeding is thus described by the authour of the Assertion for true Church, policie. Here are many imaginarie formes, and mockage, rather then sound dealing. The matter of election of Pastors, if Diocesan bishops were true Pastors, is taken from the Church, and the Church deluded with a Mac-game. P. 274. 275.

Now as for his consecration, howbeit the Scripture doth not teach us two distinct formes of ordination, one called consecration proper to a Lord Bishop, the other by the generall name of ordination, peculiar to a minister, yet wee will let you see the Rites of their consecration, how all are taken out of the Popes Pontificall, as may be gathered by conferring the book of Orders with the said Pontificall. A table is prepared for the Masse-book, and the Pontifical: so is here a table furnished with the service book, and the book of orders. There two bishops are present to assist the Consecrator, ordained

ordained to have on the Rochet, if not the Rochet, a surplice. Here all *the Bishops that be present at the consecration of Bishops, should wear coveres and surplices, having pastorall staves in their hands: they rest in the sanctuarie, sit some the quire, but they never use their pastorall staves*, sayth the Author of the petition to the Queen. And yet they have a staffe to beat out a painfull minister out of the Church, if he take not on a surplice. But in the abridgement of the ministers of Lincolne, it is sayd, *that in the former edition* (of the booke of ordination) *which seemeth by the* P. 101. *36. article to be that, wee are required to subscribe unto, and which, it may be, some of the Bishops do still use, there are other corruptions, as that the coape, albe, surplice, and the pastorall staffe, are appointed to be used in creation and consecration.* There the elected is presented by two Bishops, to the consecrator, who is sitting, and the elder of the two Bishops sayth, Most reverend father in God, &c. So here he is presented by two bishops to the Archbishop, or any other bishop having commission, to whom one of them sayth *Most reverend father in God, Be present unto you this godly and learned man, that he may be consecrate bishop.* There none is consecrate till the commission be shewed: here likewise the Archbishop is carefull to have the Kings mandate ancnt his consecration, to be produced and read. There the elected taketh an oath upon his knees to the Pope, and another of obedience to the Archbishop: so here they must take one oath concerning the supremacie, another of canonicall obedience to the Archbish. There the Archbishop demandeth some questions, so also here. There is sayd, or sung, *Veni Creator*: so here. There the

Arch-

Archbishop together with the Bishops then present, laying on their hands, say, Receive the holy Ghost: so here also, as if the one could give, and the other receive the holy Spirit from his finger ends. By the book of ordaining Priests and Deacons, the Archbishop should lay the Bible upon the bishops neck, that is to be ordained, and put a pastorall staffe in his hand, sayth the authour of the petition to the Queenes Majestie, but they put the Bible in his hand, and observe not the former direction, or else follow a later booke of ordinations. After these things being done, the consecrator and his assistants communicate with the new consecrated bishop, so here also. The Gospels, the Collects, the Epistles, the Letanie, which are here used for the most part, are borrowed from the same Pontifical, and the Letanie interrupted here also as there. There the consecrator sayth nothing more or lesse, then is set down in the booke, either when he praveth, or demandeth, or consecrateth; so here. There the consecrator putteth gloves on the hands of the consecrated. Here the consecrated Bishop dealeth gloves, as I heare, to his friends: for why, now he is married, and the mariage betwixt him and the Church, which was begun by the election, is consummate, they say, by consecration. Should not then the bridegroome deale gloves among his friends? That day that our Bishops were first consecrated at London, their bride at home understood nothing of the matter. P. 6.

In respect of his function, either in things concerning Episcopall order, or concerning iurisdiction. Concerning Episcopall order,

as 1. to ordaine Deacons and Ministers according to the prescript of the booke of ordinations, 2. to dedicate Churches and buriall places, 3. to confirme children.

The power of order as they call it, that is power and authority which is given to men sanctified and set apart from others, to performe such acts as belong to the service of God, and the discharge of the pastorall function, is acknowledged by D. *Field*, as also by the founder sort of the Romanists themselves, to be equall & the same in all pastors, and that there is not a greater power of order in the Bishops then Presbyters. If the power of order, and authoritie to intermedle in things pertaining to Gods service, be equall and the same in all Presbyters, who hath power to abridge this their power, and limitate the exercise of it? To reserve the exercise of it to the Bishop, as if he alone may give orders, or if other ministers joyne either casually or by Canon, with him, that it is not for consecration, but for consent and approbation onely, or that a whole Presbyterie cannot ordaine, that is, sanctifie, dedicate or set apart any person to the ministery, unlesse there be a Bishop present to utter the words of consecration, is not onely absurd, because it imports that God hath bestowed on them a facultie which they cannot put in execution, but also dangerous for the Church of God, as experience of the last age hath manifested. For then all the Ministers in France, and other reformed Churches, who received not imposition of hands by bishops, should not be lawfull Ministers.

Of the chur. l. c. 27.

Their

Their shift of the case of necessitie, is no shift at all. For if they have that power by divine right as they pretend, the other may in no case usurpe it. Further, seeing nature giveth not faculties in vaine, wee must not thinke that Christ gaue a power or faculte to be idle. The gifts and faculties he gaue, hee gave them, to be imployed, not onely in time of necessitie, but at all convenient times and occasions offered. Where do they finde in all scripture this exception of the case of necessitie. Where the law of God doth not distinguish ought man to distinguish? The prayer out of the mouth of a divine bishop, a minister appoynted by the presbyterie to moderate the action, is it of lesse efficacie then the prayer out of the mouth either of an human or Satanicall Bishop. As for imposition of hands, it is a rite onely, which is common to all, and not essentiall.

Seeing then to ordaine ministers belongeth to the power of order, as to preach the word, and minister the sacraments doth, and that this power is comaon to all pastors, the validity or invalidite of ordination, ought not to depend upon a bishop, set up by mans appointment and invention; and that it was but an invention of man, is clear, in that this reservation & restraint came in but by corrupt canons In the councell of *Ancyra* a canon was made, to forbid the presbyters of the Citie to ordaine presbyters and Deacons without the bishops permission, wherby appeareth, that before that Canon was made, they had ordained some without the Bishops, either presence or permission: and yet their ordinations were not made voyd: and that after the making of the Canon, they

might

contra Lutheranos.

yea it is confessed that this is reserved unto them, *potius ad honorem sacerdotij, quam ob ullam necessitatem*, rather for the honour of their Priesthood, then the necessitie of any law, as *Hieronome* sayth. *Beda* sayth in plainer termes, that for pride and arrogancie this as many other things were not permitted to Priests, but reserved to Bishops. That which the Iesuite *Suarez* sayth, concerning confirmation, *Si presbyteri in visione ordinationis habuerunt sufficientem potestatem ordinis ad hoc sacramentum ministrandum, sine causa in universum prohibentur illud conferre*, may be applied to that which I affirmed of ordination, that God gave not faculties and powers to be idle. I have as yet onely supposed this their confirmation to be lawfull. But let us now see what it is. The bishop, or such as he shall appoynt, apposeth the children in some questions of a short catechisme: for hee taketh not the paines to doe it alwayes by himselfe. Then are they brought to the bishop, not by the minister, but by a godfather and godmother, for they must have a godfather and a godmother at confirmation, as at baptisme. The Curate of the parish needeth not to come, but may send the children's names in writing. In the first prayer the bishop prayeth for the 7. gifts of the spirit, which the Papists say, they receive in confirmation. Then the bishop will not lift up his hands and blesse them in common, as the Priests in the old law did, when they blessed a multitude, or great number, but they must be brought to him one by one, that he may lay his hand on every childe severally. For there is some efficacie, say they, in that signe. For they say, that imposition of hands is one of the external

a Psal. 26.

a aqui tom. 3. qu. 35 art. 1.

meanes. by the which the holy Ghost is given?
And howbeit that prayer have the chief force
yet imposition of hands hath some also. In
baptisme we receive forgivenesse of sinnes but
the principall grace we receiue in confirmation,
as say they, strength and defence against all ten-
tations to sinne. and the assaults of the world.
The Papists and they make the like destinction
betwixt baptisme and confirmation The Pa-
pists say, the comforter promised by Christ to
his Church, was bestowed in the sacrament of
confirmation. The same prayer for the com-
forter use they. The grace which is begun in
baptisme, they say is perfected in confirmation,
as the Papist sayth: as if, when we were bapti-
zed, we were but halfe Christians. In the pray-
er after the laying on of hands, it is said, that
the laying on of the bishops hands, is a signe,
whereby the childe is certified of Gods fa-
vour, and gracious goodnesse toward them, a
child of seven or eight yeares of age. If it bee a
certifying signe, is it not a seale of grace, as the
other sacraments are. All that I have sayd may
be seen in *Hooker*, *Hackwell*, and their service
book. None must receive the communion till
he be thus bishoped, and yet divers bishops do
not use it. Then by order of law, these who are
bishoped, may refuse to take the communion.

In hallowing of Churches the Papists use
crosses, taper light, burning of lamps, oyle, ashes,
and many ridiculous ceremonies; but let it be
so, that their dedication is more simple, then
the Popish, yet it is superstitious. For to dedi-
cate, that is to dote and mortifie to such a use,
as to the congregation to convein in, it is already
done by the founders, who were owners of the
ground

ground, and builders of the Churches, and the use is onely civill to defend the people convened from winde and weather, or other incommodities which might impede them in the service of God. A second dedication, that is, a hallowing of it, after it is set apart before it can be employed to divine service, as if divine service were prophaned, unlesse it were hallowed, is meere superstition. Our Churches are not like the Temple of Ierusalem, which had a legall kinde of holines, and was a type and figure of Christ, but like the Iewish Synagogues. There is no more holinesse in our Churches which containe the congregation, then in the glebe land, which is dedicate and set apart to maintaine the minister, but that it should be kept cleane and comely for the people which is to convene in it. When the congregation is there at divine service, which is but accidental, and may be performed on a hillock, then God indeed is present in the middest of them. Out of this hallowing of churches, hath proceeded superstitious customes and canons of immunitie of churches. I heare they may not carry a vessell through one of their cathedrall Churches, or a bagge under their arms without reproofe, as if their great Dones were like the Temple of Ierusalem. *Mark.* 11. 16. The like may be sayd of Churchyards, or other burying places: for all burial places are of a like nature, whether they be neere the Church, or removed fare from it.

Their jurisdiction is either delegate or ordinarie. Iurisdiction delegate sometime to the Bishop, not as he is Bishop, but as he

is a citizen or ſubject, as 1. if he be appointed a juſtice of peace, 2. if he be upon the kings ſecret counſell, 3. if he be ſent Embaſſadour to any forraine Prince, 4. if he have any other civil office of countenance committed to him.

Beſides that ſome of them are Juſtices of Peace and Quorum, ſome Councellours, ſome ſometimes Embaſſadours to forrain Princes, ſome of them have been Deputies under the Preſidents of Wales, as *Whigift* late Biſhop of Canterburie: ſome of them ſit in the Starre chamber with the Chauncellour and others of the Counſel, together with other Lords and Barons upon notable riots, counterfeiting of letters, taking away of maids within age againſt their parents and Gardians will, &c. where the moſt uſuall puniſhment is impriſonment, the pillory, or a fine. They ſit alſo in the high Court of Parliament, pretending themſelves to be the eſtate of the Realm, as if the body and ſtate of the common-wealth were not an entire and compleat body and ſtate, without the body and ſtate of the Prelacie, nor lawes could not be made without their conſent. But the vanity of his their preſence is taken away by the author of the Aſſertion of Chriſtian Church Policie, who doth prove that lawes have been made without their conſent, yea and without their preſence, even ſince they have been admitted to ſit in Parliament. Their priviledge to ſit in the Starre-chamber, and to be Lords of the Parliament houſe, ſome doe thinke was granted by King *Henry* 2. *Camd.* thinketh that this honour was beſtowed upon them by *William* the

Camd. Brit. 170.

the first, and that it is in respect of their Baronies, which they hold in knight service, that they sit there. It is no fundamentall law then of the kingdome, farre lesse doth it agree with the law of God, to give voyce, and decide in criminall & civil matters in whatsoever secular court. Is there any doubt to be resolved concerning the worke, they have ever had a convocation of the Clergie in time of Parliament, with whom they have advised in matters of religion. And the Prelates for their riding in people to Westminster, and sitting in their robes, more able to give advice, then the whole Clergie assembled in a lower house? Or can they be more ready in their parliament sitting apart from them? Or is it not enough to give advice unlesse they also vote, and that in matters no way pertaining to their calling? Or is the Church respected in their persons, when they shall have no place but as Barons? Or shall they vote in the name of the Church, not having commission, but in the Nobles, who have place in respect of their birth. In the higher house the Iudges of the Realme, the Master of the Rolles, and the Secretaries of estate sit in the midst thereof upon woolsacks. *For they that sit on the Woolsacks*

P. 49. *haue no voyce in the house, but only sit there in signe of their knowledge in the Law, when they be asked, if any doubt arise among the Lords*, saith Sir Tho. Smith in his common wealth. This place it may better become them, then to sit higher each in his ranke, over against the Dukes and Barons, and to answer only of their knowledge in the law of God, when they shall be required for any matter of Religion. But this, as I say, may be better done in the convocation house.

In

In time of Poperie, the Spirituall Lords might not sit in Parliament, whensoever any statute was to be made touching felonie, or treason, or the losse of any member, or shedding of blood. If they might haue been spared then at such times, may they not be as well spared in matters of possessions and inheritances. Our Prelats enter in parliament notwithstanding the cautions and conditions contenanced upon were never insert in the act of their admission, upon which consideration onely the generall assembly that great opposition made to the Churches vote in Parliament, was induced for the most to consent. To bee Lords in Parliament and Councell to governe countries, to sit in the starre-chamber, to bee Iustices of peace and Quorum, to goe in Embassage to forraine princes, and to exercе other civill functions in the common wealth, as here they are, is to exercе offices incompatible with their spirituall calling, to beare rule and dominion among the nations, to intangle themselves with the affaires of this life, and to neglect that spirituall calling, to which they were sanctified and set apart from the rest of the citizens and subjects of the kingdome. It was said of old that the Psalter should never bee out of their hands. They take the charge of a great Diocese, more then they are able to compasse within the cadome of their times, and yet turne it over to their Vicars, officialls, Chauncellours, Archdeacons Commissaries, and take upon them offices which they professe are not episcopall, but delegate onely by the Prince. O what a confusion hath the pride and ambition of Clergie-men brought into the Church of God!

In jurisdiction by ordinarie law attributed unto them in their owne Diocie, is to be considered, either the fineues of exercising it, or the jurisdiction it selfe. The fineuesse of exercising their jurisdiction, are Ecclesiasticall censures, which may either be inflicted upon laymen and Ecclesiasticall persons, or peculiarly upon Ecclesiasticall persons onely. Of the first sort are 1. interdiction of diuine seruice, 2. admonition, 3. suspension, either from entrance into the Church, or from partaking of the sacraments, 4. excommunication, 5. the great curse Anathema against a pertinacious heretick. Of the second sort are 1. sequestration of the fruits of a church, 2. suspension either from order or office and benefice, 3. deprivation, 4. deposition, & that is either verbal by sentence, or reall, which is called degradation. Of which censures, one, to wit excommunication, is inflicted for contumacie, either for not comparing in judgement, or not obeying the mandates of the Church. The rest are inflicted as well for contumacie, as for other actuall offences.

De Polit. p. 318.

By interdiction, saith *Mucket*, a communalty for some publick offence, is deprived of diuine seruice, burials, administration, and receiving of the sacraments. Interdiction of a certaine place, as of a citie or whole country, for some publike and common offences committed by them, or the superiour Magistrate

to whom they adhere, whereby Churches are closed, divine service is substracted, &c. The Bishop of Salato sayth, it is an impious invention, not known nor heard of in the Church for a thousand yeare, and that it bred in Pope *Hildebrands* brain: and concludeth after some reasoning, *Non ergo legitima est, sed spuria haec excommunicatio, abominanda, quam Ecclesia profanat potius quam sanctificat.* De rep. eccl. l. 5. c. 7. nu. 38. 39.

Excommunication is distinguished by the Canonists, into the lesser or greater excommunication. *The lesser*, sayth Mucket, *is suspension from the use of the sacrament, which Cyprian calleth Abstentio, and is inflicted for contumacie, and other offences, but chiefly for contumacie, in not comparing in Ecclesiastical Courts, or not obeying their ordinances.* D. Field sayth, that lesser excommunication excludeth onely from the sacraments, *which then it is pronounced against them that stubbornly stand out, and will not yeeld themselves to the Churches direction or disposition, is properly named excommunication; but when it is pronounced against them that yeeld when they have offended, and seeke to be set free from the evils they have committed, it is not so properly named excommunication, but it is named of the effects of repentance.* This suspension from entrance in the Church, is against all reason: for even persons excommunicate should not be debarred from hearing of the word: for the word is the meane and powerfull instrument whereby offenders are recalled. The greater excommunication, sayth Mucket, is, whereby the offender is not only debarred from receiving the sacrament, or entrie in the Church but also from the fellowship of the faithful. De polit. l. 316. Of the chur. l. 1. c. 35.

Doctor *Field* describeth it thus: *The greater part th the excommunicate from the Lords body and blood, and depriveth them of that comfort and strength of grace, which from it they might receive, it denieth unto them the benefite of the Churches publick prayers, and so leaveth them to their owne, as forlorn and desolate persons, without that assistance, defence and protection which from God's election they look for his dearest children.* The premises being thus unfolded, we have to consider in the use of this censure, these seuerall poynts: First, the lawes made under the paine of excommunication *ipso facto*. For in time of Poperie there were two sorts of excommunication, one inflicted by the law or Canon, when a man committing the offence and fact inhibited by the law, was made subject to excommunication, without the ministerie and proceeding of a judge, which was called also *excommunicatio latæ sententiæ*. The sentence was not left to the judge to pronounce, but was esteemed pronounced in the very law it selfe. The other excommunication was made by a judge after civill and canonicall forewarning, wherein the sentence condemnatorie is pronounced by the judge. The former leaveth nothing to the judge, but the sentence declaratorie, to declare that seeing he is guilty of such a crime, hee is already excommunicated. The Bishop of Spalato, howbeit their great friend otherwise, condemneth this kinde of excommunication, as absurd, and perceiveth in it, *magnum Papatus arcanum latere, ut et rudes imponi Conscientiæ scripturis Decretis ipsius Principum & rebus alijs, sint communia.* For, saith hee, *Excommunicare etiam ijs actu aliquem ligare, non potentis. Non enim ligat*

l.6.c.9.nu. 2.23.24.

ur, qui boteſt, aut debet ligari, ſed qui reipſa ligatur. How can a man as yet inviſible, indemonſtrable, unknowne to him that bindeth, be bound? This bond cannot bind without a binder, and the preſence or knowledge of him that is bound. When ſuch a Canon was made, there was a binder, and a bond, but none preſent, or known to bee bound. When the offence is committed, there is one to be bound, but where is the binder? And yet in their lateſt Canons, made in the firſt yeare of the Kings entry, they have made excómunication *ipſo facto* to be the cauſe of many of their Canons: excómunicating *ipſo facto* all ſuch as ſhall affirme the forme of their Church ſervice to be corrupt and ſuperſtitious, the rites or ceremonies eſtabliſhed by law to bee wicked, Antichriſtian, or ſuperſtitious the government of their Church by Archbiſhops, Biſhops, Deanes, Archdeacons, &c. to be Antichriſtian, or repugnant to the word, or that the forme and manner of making, or conſecrating their Biſhops, Prieſts, and Deacons, is not lawfull, &c. So that at this day, the better ſort both of the miniſtrie and profeſſours amongſt them, do ſtand excommunicate by this Popiſh guiſe.

The next thing to be conſidered, is the ſole authoritie of biſhops excommunicating by themſelves alone, or their Deputies, Officials, Chancellours, Archdeacons, the miniſters and profeſſors in whatſoever Church of their large Dioces. When Chriſt ſayd, *Tell the Church, Matth.* 18. was this the meaning, Tell my Lord Biſhop, or his Chauncellour, the Archdeacon, or his officiall. Can this collective name *Church* by any ſhift be drawne to ſignifie one particu-

lar person, Canterburies grace himselfe, or the great Pope himselfe? Is the Pope the universall Church, or the Bishop the diocesan Church, or his Chancellour? Christ maketh a gradation from one to two, at last to many. The Apostle reproveth the Corinthians because they had not already excommunicated the incestuous person. *And do ye not rather mourn*, saith the Apostle, 1. *Corinth.* 5. 2. In the second Epistle, chap. 2. v. 10. hee declareth that they had power to forgive and reconcile the same incestuous person. And writing to the Thessalonians, hee willeth them, to note the man who obeyed not or hearkned not to his Epistle, and to have no companie with him, that he may be ashamed, 2. *Thessal* 3. 14. Now there was no Bishop at all either at Corinth or Thessalonica, as they themselves will grant, but like an usurping Prelate, drawing all the power to himselfe. It is one of the weightiest judgements in the Church, and therefore not to bee permitted to the pleasure of one man. It is not only the Bishop that hath this power alone, to excommunicate by himselfe, or his Deputie, but also the Deane, Prebendaries, and Canons in wellnigh all the cathedrall and collegiat churches throughout the Realme,

Question of the Church power, p. 4. y 5.

having certain Parochiall churches exempted from the Bishops Ordinarie and exempt and peculiar jurisdictions, by meere Pastorall authoritie (for Episcopall authoritie by the lawes of the Church they have none) in very especiall manner of spirituall causes, as that are dealt by their Statutes, as by themselves. Yea, should more, in Chapter Leete sure, Visitations, and other Visitations, should

may

many whole Deanries exempted from the Bishops jurisdiction, wherein the Deanes and their substitutes, have not only the probate of Wills, and granting of Administrations, but also the cognisance of Ecclesiasticall crimes with power to use the Ecclesiasticall censures: yea this authority of the execution of Ecclesiasticall censures, how these Deanes either long have, by some Papall priviledge obtained, or else by long use prescribed against the Bishops. Whereby againe it is clearly confirmed, that Excommunication used in the Church of England, is not of divine institution, but only by humane tradition: for were it of divine right, then could the same no more be prescribed, or by papall commission be possessed, than could these Deanes prescribe power, or authority to preach the Word, or to administer the Sacraments. Yee see, Cathedrall Deanes, Canons and Prebendaries in cathedrall and collegiat churches, and some rurall Deanes, may use the Ecclesiasticall censures. But the Pastors of the Churches set over their flocks to govern & rule with power of the keys, are deprived of the other half of their pastoral charge, and the pastorall staffe, as I have said, is taken from them. Thirdly, they excommunicate for fees. The last petition which was made the first yeare of the Kings entry, reporteth, *that they excommunicate for fees, and that Dispensic matters.* If a man pay not the fees of their Courts, he shall be excommunicate. For the Chancellors & Officials, the Registers, & the rest of that rable, must not want their unreasonable dues.

They doe not excommunicate in the congregation where the offender dwelleth, but in their Courts in forme of a writ in Latine, proclaimed in the Bishops or Archbishops name, as *Discover.* 241.

Burrow reporteth, and so also is their absolution. The excommunication may perhaps be intimated a long tyme after in the congregation, and the people warned to beware of the man, who was excommunicate in their Court, perhaps for a trifle. The Admonition to the Parliament sayth, *that whereas the excommunicats were never received till they had publikly confessed their offence. Now for paying the fees of the Court they secretly absolve Chancellours publikly reconciled.* The minor is that *the appellator cannot personally in the person to be summoned, be absolved and received backe. If he commit the day, he is forthwith excommunicate,* as the author of the last Petition doth report. p. 181.

6. They transferre this power of excommunication to lay men their Chancellours and officials, whereof we shall intreate in the owne place.

The curse Anathema, some doe not distinguish from the great excommunication, but onely in some solemnities, because it is uttered with some externall signes and ceremonies to strike a greater terrour. Others do distinguish it, and *Mackt* defineth it to be that censure, whereby a pertinacious heretick as Gods publik enemie, reiected, cursed, execrate is a judge and given over into eternall judgment and damnation. This is answerable to that *anathema*, which the Apostle calleth *Maranatha*, or the Talmudists *Schamatha*. But such a censure cannot be collected, unlesse it be revealed to the church, that the offender hath sinned against the Holy ghost. Besides the censures common to lay men and ecclesiasticall persons already mentioned, there are these two reckoned

el be Market, corporall pennance, and denialt of burrall in facred places Corporall pennance is inflicted upon the outward man. For to the publik confeſſion of the offence, there is ſome bodily pennance adioyned and enioyned the offender. As for example to ſtand upon a Lords day bareheaded, and barefooted, cloathed with a white ſheet, having a white wand in his hand at the porch of the Kirck, and when he entreth into the Kirck to proſtrate himſelf, to kiſſe the ground, and then to come to the midſt of the P. 328. kirk for crave forgivenes. This manner is deſcribed be Mackalzean in his Provincial reformeth for corporall pennances, thruſting in a Monaſterie, imprifonment, ſtriping, and the imprinting of a mark upon the perſon. Many more were the popiſh pennances, which turned to profitable For remead of corporall pennance, the offender may obteine a redemption for ſome peece of money, and this is called commutation of pennance, and ſo the theefe pennance is turned into a purſe pennance. If the corporall pennance be ordained to a ſpirituall end, as they ſay, to afflict the body or outward man, for humbling of the ſoule, how can it be exchanged into a pecuniarie mulct, which hath no ſuch operation with it, eſpecially with the greater ſort? or did they ever read of the like but in the dark dayes of poperie? But all they deny to ſuch, as are ſtrangled for felonie, theeves, and others excommunicated by their own Bills, and Chancellours. *l. 5. pœnit. cap. cuncti.*

The cenſures and punishments peculiar to eccleſiaſtical perſons, are not all of one nature. For ſome ariſe upon their meddling with cauſes civill, howbeit abuſiuely called eccleſiaſtical; as the

th- sequestration of the fruits of a benefice, and giving them for a time to the custodie of another, for to defend some mans right, or to chastice the contumacie of the owner, which sequestration if any man violate, he is to incurre the greater excommunication by the old constitutions of the English Church, sayth *Mackt.* But seeing the originall of it is but temporall, belonging nothing to Ecclesiasticall Consistories. Deprivation is the removing of a beneficed man from his benefice. A benefice is a mans freehold, and therfore seing his livelihood consisteth in it he ought not to be removed from it at the pleasure or judgement of one man. There is no difference betwixt deposition and degradation, but that deposition is verball, inflicted by the sentence of the judge: degradation is real, as when the Ecclesiasticall person is denuded, or unclothed of the garments & ensigns of his order, in presence of the civill Magistrate, to whom he is relinquished to bee punished for heresie, or some other great capitall crime. Untill this be done, they are exemed from the stroke of the Magistrates sword, after the old papistical manner. for to what use else serveth this degradation? This censure of deposition, as the rest, is in the hands of one man alone. D. *Field* affirmeth, howbeit otherwise one of their owne, that the Bishop may doe nothing in matters of greatest moment, and conseuence, without the advice and presence of presbyters, and in especial, that he may not deprive, depose, or degrade by himself alone, and proveth it out of the 3. and 4. Councell of Carthage.

of the Ch. l. 5. c. 27.

That by the late Canons, in pronounring the sentence after the proces ended before the Chan-

Chauncelour, Commissarie, Officiall, the Bishop should have the assistance of his Chauncelour, the Deane and some Prebendaries, or the Archdeacon, is no point of reformation, as they pretend, for these are onely their servants, and followers, which are to them as the shadow to the bodie. It is sayd in the Canon law, that the consistorie of the Bishop and the Chauncelour, or principall officiall is all one, & therefore a man may not appeale from the Officiall principall to the Bishop, and the Archdeacon is called *oculus Episcopi* the Bishops eye. Further they cannot use the Canon, but as it pleaseth them, for there is no sanction added unto it.

These are the censures & punishments which use in shewes of their ordinarie jurisdiction, but as they are his commissioners, or have civill things committed to them by the Prince, they *have their prisons, as Clinke, Gatehouses, Coleheuses, towres, and Castles*, both for laymen, and ecclesiasticall persons.

The jurisdiction it self, is eyther voluntarie or contentious.

Voluntary jurisdiction is, when the person, with whom the Bishop dealeth, doth not stand against it. Contentious is, when such causes are handled against which some partie standeth, or else dealt with therby against his will. For it is to be thought, that the party defendant, will not willingly compeir, and unlesse he be compelled, and therefore is presumed to come against his will.

Voluntary jurisdiction is established, eyther by statute, or by the Municipall lawe, or by the Municipal law, & confirmed by the canonicall, or by the ecclesiasticall, & con-

firmed by the Municipall.

1 By the statute as 1 to grant licence for a time to exercise upon forbidden cayes, 2. that any being approved, may exercise Physicke, or Chirurgerie, or instruct children in that Diocie. 3. to unite and consolidate lesser Kirkes according to a statute made thereanent. 4. to assist civill Iudges in executing certaine statutes, which concerne Ecclesiasticall causes. 5. to collect tenthes and subsidies due by Ecclesiasticall persons, and that either by taking a stresse, or by Ecclesiasticall censures.

The 1. is superfluous, the 2. is impertinent, except that part which concerneth Schoolemaisters, but that should not be at his sole disposition. The petition to the Queen related, that licences are granted to Schoolmasters for money to teach. The 3. I wise is not to be ordered at his will, and may very well be ordered without him so as the 4. if it were needfull. The 5. is not an office competent to his calling, neither is the manner of exacting to be allowed. P.61

By the Municipall law, as 1. to certifie at the kings reseript, the civill Iudges of Bastardie and unlawfull Births of lawfull and unlawfull marriages. 2. to require the kings reseript for burning a pertinacious heretick already condemned. 3. to require the kings reseript for cõmitting to prison the person which persisteth with an obstinate mind excommunicate 40. dayes.

The

The 1. may be done either by them, or without them. The 2. for the kind of punishment and forme of proceeding is a part of the Maximinian law, which was made in the time of K. Henry 4. whereof the carl *ex officio* is the other part. The 3. is used after this manner. If one be excommunicate for the smallest trifles in their Courts, or for a supposed offence, where there is none indeed, if hee stand wilfully 40. dayes together excommunicate, and accordingly certified by the Bishop into the Chauncerie, that then he is to be committed to prison, by vertue of a writ directed to the Sheriffe, sayth the author of the Apologie of certain proceedings in Courts Ecclesiasticall. Neither is intimation at the common law required, but these certificats mention only in generalitie the parties contumacie and disobedience. The effect of the writ *de excommunicato capiendo*, is two-fold, 1. upon the certificate of the Bishop the party excommunicated is to be debarred action in all the Queenes Courts. 2. the partie is to be imprisoned, and is not to be delivered, unlesse he submit himselfe to the Bishop, except he hath appealed to a superiour Ecclesiasticall Judge. P. 8.

By the municipall law, and confirmed by the Ecclesiasticall, as 1. to cause the testaments of the deceased to be proved, and registrate, 2. to grant the administration of the goods of him who died intestate, to the next of kinsman. 3. when no man will enter here, to command to collect and keepe in safe place *Bona caduca*. 4. to cause account to

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to be rendred of the said administration, and to approve and reject the same, as law shall require.

All causes testamentarie, and their appendicles are impertinent for Episcopal audience, or any Ecclesiasticall consistory. *Bona vacantia* is taken in the lawes, as when failing him to whom they belonged by law, the goods fall to another, as the akorn which falleth to the ground, when there is none to take it up, is called *Casus glandis*.

By law Ecclesiastical, and confirmed by the Municipall, as 1. to conferre benefices, or to institute into a benefice at the presentation of others. 2. to command the persons instituted to be inducted. 3. to command the fruits of vacant benefices, to be gathered and kept in true custodie by some indifferent man, to the use of the next successor. 4. to assigne a competent portion to a vicars. 5. To grant dimissorie or testimoniall letters. 6. to visit every third year the Diocie.

Of institution, collation induction, we shall entreat to a better place. As for the third, the sequestration of the fruits of the vacant benefices, the authour of the Assertion of the true Christian Church politie, thus writeth. *By this interest whereby the Bishop shall seeth to be called Ecclesiasticall, if not Episcopall, the sequestration is no more a Church right, but a point of the Magistrate. Both letters of sequestration to sequester the fruits, to the use of the next incum-*

bent

ment: Which next incumbent for the greater care taken to preserve the fruits to his use, before he can come to be put in reall possession, must pay 10. *pounds, or a marke, or more, for those letters of confirmation, with as much more also for letters, so called of relaxation, besides a pence penie, or 4 pence aweke for postage Summar. And from hence, as I take it, is the Patron very much injured in the things, as appeareth by the Statute of* 25 *Edw.* 3. *Ireland thrown of the Benifice ought to have the advoc. and possession thereof during vacation.* The fourth should not be at the Bishops carving, but it is no great matter what be modified to them, seeing they are for the most part Hirelings or blind guides. As for the first, it is agreeable to good ordour, that no Clergie man passing from one Diocesse to another, should be admitted to take on any cure without letters of commendation, and a Testimoniall of their honest life and conversation, and sufficient qualification: but that this should be in the Bishops power is against reason, and therefore no wonder if many abuses and inconveniences arise upon their slight Passe-ports. Visitation is needfull, and it were better for the Church, if it were annuall: But that the Bishop, or any other should be sole Visitor, is hurtfull. A number is more able to make a sharpe enquirie, for moe eyes see better then one, and would not be so soone drawen away with corrupt partialitie.

The chiefe part then of voluntarie jurisdiction, is every three yeare to visit the Diocese, and to enquire by the Church-wardens and Side-men, of the excesses, and defects,

either of the minister, of the Churchwardens themselves, or the rest of the parishioners. Or the Minister, as he is Minister, or as he is another sort of man. As Minister, either in respect of his publick function, in committing, or omitting what he ought not: or in respect of his private life; for many things are tolerable in lay-men, which are not beseeme Ministers. Or the Churchwardens themselves, and that concerning their office, either in the Kirk or temple, or out of it. Or the rest of the parishioners, either as having some peculiar function, or as any other Christians. As having peculiar function, Physitians, Chyrurgians, Schoolemasters, Mid-wives, if they exercise that function, not being approved, or in the forme or superstitious sleepers of Hospitals, where according to their foundation, the Hospitall only appoynted visitor or no other. Or the other Ordinars offending against pietie, righteousnesse, sobrietie. Against pietie, as by blasphemy against God, or the holy scripture, idolatry, superstition, sorcerie, if it be such, as by civill lawes of the kingdom is either not at all corrected, or by order and discipline of the lawe is made also subject to Ecclesiasticall censures. Breach of oath (called *Lesie-fieue*) made before an Ecclesiasticall Judge, or voluntarily to any private man. Heresie, error against the Arti-

cles of Religion set forth in a Nationall Sy-
nod holden the yeare 1562. and confirmed
by royall authoritie, feminine, unlawfull con-
venticles, absence from divine service in
their own parish upon the Lords daye, or
other festivall dayes, where there is not a
lawfull impediment, unlawfull abstinence
from partaking of the Lords Supper, which
is to be celebrated thrice every year. Against
justice, calumnie contumely, reproach ancient
incause Ecclesiasticall, simoniacall suing
for sacred orders or degrees, or of a benefice.
Usurie above the rate often in the hundred
by yeare. Temerarious administration of the
goods of the deceased, subornation of per-
iuries, adhood or forgerie committed in any
Ecclesiasticall action, violence to a minister,
detaining of that which was left unto ad-
vance of the poore, or of goods due to the
publick uses of the Church, dilapidation of
Ecclesiasticall goods, and buildings. Against
sobriety, as incontinencie whatsoever, com-
mitted with one of his kindred or bloud, or
of alliance, either of them within the 4. de-
gree, exclusive, according to the computa-
tion of the civill law, which is called incest,
or adulterie, or committed with a widow,
which is called *stuprum*, or whether it bee
single, termed fornication, finally speech,
solicitation of others chastitie, drunken-
nesse, clandestine marriage, either in respect

of consent of parents or tutors not obtei-ned, or of the private place, or witnesse more then two not being present, or the bannes not proclaimed three several times, upon the Lords dayes, or holy dayes in lawfull distance.

In this table we have an enumeration of offences belonging to Ecclesiasticall cognisance but it is unsufficient. For there are many more then are here expressed: as Theft, Sacriledge Murther, Propharation of the Sabboth Sodomie, disturbance of divine service, Polygamie Diffamation &c. as by opening of the 10. commandements may be drawn out to a great number, which ought to be censured by the Church. This partition wall of crimes made in the Canon Law, to make some crimes temporall, others spirituall, hath made the crimes reputed Ecclesiasticall to bee neglected by the Magistrates, and many crimes not reputed Ecclesiasticall, on the other side to be neglected by the Church. As Adulterie, howbeit by Gods Law be capitall, & so ought to be also by the Law of man, is not made capitall by their Lawes, but referred to the Ecclesiasticall Courts, as prooved them: many sins of witchcraft, and sorcerie likewise: And on the other side a Theefe shall not passe unecnsured by the Church, howbeit he be overseen by the Magistrate. For the church ought to deale with every scandalous sinner, to bring the sinner to repentance, notwithstanding the Magistrate punish, or neglect to punish. Neither they have the offences there reckoned only for the fashion, & of others not there mentioned, they take a severer account. As for

for example, *Mucket* doth adde these following: *Delay of Baptisme at the point of death, contempt of Episcopall confirmation, not bowing the knee at the Letanie, and at the name of Iesus, reproaches against the Liturgie, the government of the Church, &c. Prophanation of the Chalice and the plate: Prophanation of the Church-yards with Market or Fairs, with weapon shawing, with dancing, &c.* In the Admonition to the Parliament it is said, *Now prest sins, either not at all punished, as Whoredome, usurie, drunkennesse, &c. or else slightly punished, as Bibb pricking in a blanket, or pinning in a sheet, as Adulterie, Whoredome, &c. Sin in such as seem sins, as if a man conforme not himselfe to Popish orders and ceremonies; if he come not at the Bishop who hath no authoritie to call, wee mean Chancellours, Officials, and all that rable, are grievously punished, not only by Excommunication, Suspension, Deprivation, and other, as they terme it, spirituall censures, but also by banishing, imprisoning, revyling, shaming, &c.* So howbeit the offences, which are abovementioned in the Table, belong to Ecclesiasticall enquire in respect of the slander, they are taken from the lawfull judicatorie of the Church, and transferred to the Bishop to enquire, as he thinketh good. And therefore it is but *pro forma*, that they are here set downe. Simonie is one of the number, and yet what Simonie is committed, and how that may be dispensed with, wee have already manifested. Where is horrible blasphemie so rife? It were tedious to goe through all the particulars. But this I cannot passe with silence, anent the prophanation of the Lords day, howbeit it bee not heere expressed. *The Bill for the better observation of the Sabbath*, 27 Elizabeth,

Assertion of Supr. P. L. p. 181.

being passed by both houses of Parliament, was not with standing gainesaid, and withstood by non ja much as by certaine Euangelicall Bishops, and which, as they all mainly conceived, was only stayed from being made a Law by the Queene, upon their counsell and perswasion. When the Bishop doth visite, he doth not visite every parish by it self as our Presbyteries woont to doe, but all the Parishes in the bounds of foure or five rurall Deaneries at once. When his lordship commeth to some principall Kirk of one of the Deanries, then the Ministers, Churchwardens, and Sidemen within the bounds of

Aylmer 325 326

those Deaneries are to repaire to that place. The Parishes which perhaps have just matter of complaint against their dissolute Minister, or Churchwardens, are not warned to be present at this Visitation. The Bishop being set on high, and the rest standing before him: the Churchwardens touching the book and kissing it, sweare to say at an appointed day to make known to the Bishop, or his Vicar, such faults as in a book of Articles given them are expressed. For in that his Chancellour or Vicar and Archdeacon, to assist him. At the appointed time the Churchwardens come, and give up their bills of presentments, the names and dwelling places of the delinquents. The delinquents are sent for, if they can round over the matter with the bishop, or his chancellour, or vicar, there is no more of the matter; but if not, then is the delinquent enjoyned to take an oath: suppose there be no evidence of the crime but only a slanderous report and bruit, and if he free not himself by an oath, he shall be holden as guiltie: yea further, he must have six

five or eight besides to sweare at a set day, their oath of credulity, that they perswade themselves he hath sworn the truth, and thus hee is purged by canonicall purgation. Thus are they very careful, when the matter is not rounced over. For, as *Lindwood*, Canterburies principall Officiall, who wrote about 200. yeares since, saith, *Vigilant non curant parati quam leges ad punitur statuta nullam utilitat in hujusmodi adferentia: Many Prelates are not vigilant and careful to have Statutes observed which bring no profite with them.* Many abuses and corruptions are in their Visitations, no doubt, which have not as yet come to my knowledge, but you must be content good Reader with the little, that I have delivered.

De vita & honest. cleric. cap. 1. & à capitale verb vigilanter.

In contentious jurisdiction, are to be considered either the persons, or the causes judged, or judgement it selfe. The persons, either the ordinarie judge, or else his surrogate, or the parties, the pursuer and defender: and they doe pleade, either by themselves, or by others; as by the advice of advocates, or the diligent travels of their Procurators. The things judged, are either of publike, or private interest: of publik, as a contribution for reparations of the Church fabrick, and Church-yard dike, and for acquiring any other thing which is lacking in the Kirk: or a punishment for some Ecclesiasticall offence, or contumely.

It is true, every Church ought to be carefull to hold up the fabrick of the Church, and to furnish it with all necessarie utensils: but if the

Parishioners who ought to bee contributories, be slack, they ought to bee pursued for the money in the Kings Courts, not in Church consistories. If a man holding land which usually pay'd a pound of waxe to the Church, do withhold it, the Churchwarden may very well pursue before a civill judge. Suchlike if the Church be uncovered, or the churchyard unclosed. Church officers may not impose taxations.

Of privat interest in cauſes of 1. matrimony, 2. succession to the goods of the deceased, 3. Ecclesiasticall rights. Of matrimonie, either by action, or for supporting or dissolving of it. By action, either to conciliate & knit, as when we sue at law, that matrimonie may be celebrate and consummate according to the contract, or that after the celebration, the mutuall marriage duties may be performed, which is called *Actio directa*, or when we intent action of falsification of matrimony against another, who falsely pretendeth a matrimoniall contract to our prejudice, which is called *Actio contraria*. For supporting or upholding of matrimonie, as when after the marriage, we sue for the money promised in dowrie with the Bride. For dissolving of matrimonie, either for a precontract matrimoniall of either of the parties, with some other, or perpetuall and incurable infirmities, or consanguinitie or affinitie by lawfull or unlawfull copulation, or adulterie, or for rigorous dealing,

in

in which case separation from the bedd, and boord, but not from the bond is granted.

Such matrimoniall causes as are meere civill, belong not to Ecclesiasticall courts, as debts and dowries promised in marriage are not properly demandable in Ecclesiasticall courts. Matrimonie as it is a civill contract, may be ordered by civill lawes, seeing upon it dependeth the right of inheritances providing that nothing bee done repugnant to these conditions, which God in his word hath superadded to that contract, as to determine within degrees prohibited, or polygamie to bee lawfull. So farre as it is divine, in that God conjoyneth and intervenneth as third person, and setts downe ordinations both of conjunction and dissolution, in the word, the Church is to see, that that order and these caveats bee observed, which are contained in the word. For it may fall out, that both in binding up of marriage they may commit incest, and in dissolving without a just cause may offend also. It is the Churches duty to prevent and remove such offences. But of other lawes civil and municipal, they are not executors. These lawes which are divine, are of a mixt nature. Those which are civill belong only to the civill Magistrate. The Churches power is transferred to the cognisance of officials, to whom it do h not belong. And therefore *Bezas* discoursing this abuse writeth thus. *Sed quorsum hæc officia, rogatores, rogatrices, totam denique illam personarum collectionem, quæ Ecclesiam Dei tam crebrè devastat, quæ jam hæc addita non Ecclesiæ tantùm sed Christianæ, humanitati universi mundi dedecora.*

Volum 2. De repudijs & Divortijs. P. 345.

But what meaneth he, saith he, for officials, promoters, Proctors, and all that filth of swine, he hath a long time defiled the Church of God! What is this to the scandalous slanders, not only of the Christian Church, but also of the whole world. Further, beside the Churches part, which is to take heed to offences and breach of Gods law, they have taken the Canon law for the rule of their proceedings, both in spousalls, marriages, and divorces. And thirdly, have taken in deeds and dowries, goods and chattels, which are accessorie to marriage to judge upon, and this must be called Ecclesiasticall cognisance. Lastly, these causes are of such weight, that they are not to be committed to the skill or conscience of one base officiall.

It is observed by the author of the Assertion for Christian policie, that mens inheritances many times hang in suspence upon question of legitimation or illegitimation of their children, to be allowed or disallowed by the Canon law, and that many Knights, Esquires, and Gentlemen doe complaine, and bewaile the stealing away, and marriages of their daughters, neeces, neere kinswomen, or wards. Couples have been married, and lived together 4 6, or more yeares as man and wife, and upon a new and sodden mislike and discontentment, or upon a surmised precontract, pretensedly proved by two subornued witnesses, by vertue of the Canon law the husband was adjudged no husband, & the wife no wife. Another example he relateth of one solemnly married to a wife, and after by reason of a precontract, solemnly divorced from the same wife, and compelled by censures of the Church to marry her for whom sentence of

pre-

contract was a judged, and yet authorized
the same consistorie about ten or twelve
ares after the divorce to resummon, recall,
the challenge as first wife, she having a te-
monial out of the same consistorie, of her
full divorce, and being again solemnly ma-
ed to another husband. Licences of marriage
ve been granted out of their Ecclesiastical
urts with a blanke. So the partie licenced was
abled if it had been their pleasure, to marry
other mans wife, or his wives sister. Many
o grosse absurdities are there alledged by
learned Author, which the Reader will
e believe. But I omit them, and many o-
er things which might be sayd anent the par-
ulars set down in this Table.

Succession to the goods of the deceased,
either of him, who hath made his testa-
nt, or who hath died intestate. The first
either universall, when the plea is for pro-
ving or improving the testament exhibited,
particular when the suit is for to obtain a
ertain legacie. The second is, either pro-
per, when no testament is made, or by
way of intestate, as when there is none who
will take upon them the burthen of execu-
torie. In either of the cases the action is ei-
ther to fortune the administration of the
goods, and to enter simply, or with the
last will annexed, that it may be fulfilled, or
at the curatorship, and to the use of the
Minor: or else the action is against him that
intrudeth himselfe into the administration,
and

and intermetteth with the goods of the deceased, not being inabled with any warrant.

Causes testamentarie, and their appendicles, are meere civill and temporall, and therefore do not belong to spirituall Courts. It is by the grant of Kings, not by Ecclesiasticall right, that Church consistories have medled with such causes. Because Bishops were supposed to be men of good conscience, and that they would be carefull to see the later will of the deceased performed, then others, therefore they were reserved to Episcopal audience, and cognisance of Ecclesiasticall Courts. But this respect was not founded upon Gods word. For we must not looke so much to conscience, as to a lawfull calling: or else all civill causes pleaded before a Iudge should be referred to Church men, because of their supposed good conscience. And the truth is, it is but supposed indeed. For a Bishop or pastor that will medle in matters impertinent to his calling, hath but a bad conscience. Such a man will never make conscience of it, more then another religious Christian. And what conscience they made of the matter, may bee seene, in that they transferred that which was committed to their trust, to a base Officiall, who hath as bad a conscience as the Bishop himself, and badder, if badder may be. And as for skill in decyding such causes, no man will deny, but the civill judges are more able to cognosce and determine in them, then Churchmen. By the common law, sayth *Lindwod*, these causes were not committed unto the Church, but by the free grant of Princes.

And therefore in the laws alledged by him, approbation and insinuation of testaments are forbidden to Legacies. *Et ritu reddi ur in juri-bus ista allegata, pri. ostentum est clarius, si permitti oportere velut rerum forensium.* May not matters of legacies and bequests of goods, as well as of lands, bee determined in temporall Courts? Cannot the Iudges in temporal courts determine upon proofes, and other presumptions, whether the testator was of perfect memorie, or distracted, as they doe in questions of lunacie, madnesse, or idiocie, in men living? Can they not define of two wills, which is the first, which is the later will, whether the legacie remaine, or bee recalled; whether it bee pure or conditionall. If a creditor may recouer his debt due by the testator in the temporall Court, what should hinder a legatarie to recover his legacie in the same Court? This poynt is made cleare, and amplified in the Assertion of true and Christian Church policie. *De testamentis ad forum externum non pertinentibus.* P. 105.106

To conclude then, probates of wills, commeting of Administrations, sequestrations of the goods of the intestate, recovering of legacies, taking up of inventaries, &c. belong not to a Church Consistorie, and it is a very great abuse that such Consistories should be called Church consistories, and that spirituall censures should bee put in execution by them.

Ecclesiasticall dues and rights, are 1. tithes, which are either Prædiall, Personall or Mixt.

Prædiall

Prædiall tithes are such, as come of the fruit and crop of the ground, as of corne, or fruit of trees. Personall are such, as are payed by reason of the person himselfe, out of the gain that he maketh of his trading, handicraft, husbandry, warfaring, &c. The Mixt is added by some as a third kinde, but others reduce them according to their severall use to one of the first two, and such are the birth of beastall, wooll, milke, whether they be fed at home, or be at pasture in the field. Tithes of whatsoever kinde, are but temporall goods, not spirituall, howbeit they be annexed to spirituall things, and be appointed to uphold and maintaine divine service, and spirituall functions. Tithes were of old recovered in the Kings Court, not in Ecclesiasticall, as is averred in a treatise alledged by the author of the Apologie of proceedings in Courts Ecclesiasticall. *We think that the Kings Courts lose out of iurisdiction for tythes, by a custome of the Realme, and not by the immediate power of the Law of God.* And againe. *That suits for the small tithes in the spirituall court meerly grounded upon a statute of the Kings of this realme, and the Realme hath emmediately set home to the Clergie.* That the kings Courts of his Bench, and common pleas, and also other inferior courts were put out of jurisdiction for tythes, & suits for tithes were granted to spirituall Courts, was a favour, it is true, granted to the Clergie, inabling them with power within themselves to recover tithes destinate to their maintenance, but wee must not look so much to the commoditie wee may reape by the grants of Princes, as whether Church consistories should medle with such controversies concerning things temporall.

art. 1. p. 1.

This man owe me a colt, that man a stick, the third two stone of butter, the fourth such a number of Saffron heads, the fift so many sallow Trees: such, and such suits, were verie pertinent for a Presbyterie to sit upon; for the Presbyterie is the true and right Consistorie. Now change his Consistorie as ye please, and make the Bishop alone to be the Church consistorie, it is a like. For the causes themselves being temporall, the qualitie of the person doth not alter the nature of the cause. In the Act of reformation for true and Christian policie, it is said, *That by a statute 32 Hen. 8. c. 44. it is enacted, That all Parsons, and Curates of five Parishes* P. 99. *or under, Whereunto the Town of Royston did extend, if the life and duety of them, and the assistance of any of them, shall have their remedie by authoritie of that act, to sue, demand, aske, and recover in the Kings Court of Chancerie, the tithes of wooll, lambe, and Calfe, subtracted, or detained to be payed by any person, or persons.* Are the tythes of other Parishes more spirituall then those of Royston? But admitting such pleas to be pertinent for a spirituall Court, they should not be turned over to a Civilian, the Bishops Official. And what favour is granted to Church men by Princes, when a Doctor of the Law shall determine in these pleas!

2 Oblations due of custome either every moneth, or the yeare, or in baptismes, or at bidding of marriages, or at Churching of women, or at burials: 3 Mortuaries, 4 Intimations, 5 Procurations, 6 expences laid out for the repairing of Ecclesiastical buildings decayed by the negligence of the Pre-

deceſſour, 7. Synodalls, 8. wages and fees due for cauſes judiciall, as to the Iudge, the Advocate, the Proctor, the Clarke. Or for cauſes out of judgement, as to the Curate or Sexten.

A procuration is the furniſhing of neceſſarie expenſes for the Archbiſhop, Biſhop, Archdeacon, or any other having power to viſit in reſpect of their viſitations. For howbeit the Biſhops have great temporalities and poſſeſſions Eccleſiaſticall, that doth not content them, but they muſt be ſuſtained beſides in their trauelling. They ſay, they muſt have great riches becauſe they have a great burthen, and muſt not diſcharge their charge ſtill in one place, but through the whole Diocie. And yet when they have gotten more then may ſuffice reaſonable men, they will not travell without a new penſion, and their expenſes borne. For no man is bound, ſay they, to goe on warfare on his owne coſt. And ſo with a new trick they got procurations annexed to their viſitations, as proper ſtipends due to viſitors. At the firſt, the viſitor and his retinue, had their ſuſtentation in victuals for the day which he viſited the particular Church. Afterward the procuration was tied to ſome value of money, anſwerable reſpectively to the dignity of an Archbiſhop, or Archdeacon: for their retinue was preſcribed in the Canons and Conſtitutions. The Archdeacon was appointed to have only to have 4. perſons on horſeback, and one Sumner. What think ye then ſhall be the retinue of the Biſhop or Archbiſhop, if this be moderate in the Archdeacon. Farther, whereas they ought not to

have

have procurations, except they visit every particular Church. They will visit 30. or 40. churches in one day at one place, and yet receive the cost in money of 30 or 40. churches or dayes. They make commodity of their visitations otherwise also, as ye have heard. Synodals are another persion due to the Bishop by every Church in the Diocese for convocating Synods. And yet their Synods are not worthy the name of Synods, for the Diocesan Bishop is onely Lord and Iudge, the rest are to bee iudged, rather then to partake in common with his power. A Mortuarie is the second beast, that the deceased person hath within the parish, if hee owe three, or above, the best being excepted, is reserved to the rest owner. If the three be of one kind, or of divers the parish Priest must have the second: and wherefore I pray you? for recompensation of the personall tithes, or offrings withholden, while he lives, yea howsoever ignorantly and unwittingly, sayth *Lindwood*, and to what end, *pro salute animæ suæ*, sayth *Simon Langham* Bishop of Canterburie in his Provinciall constitution. For the safetie of the soule consisteth in remission of the sinne, sayth *Lyndwood* in his glosse upon that constitution, which is not remitted, sayth hee, unlesse that which is withholden be restored. These are the Mortuaries, as yee see, which are demandable in their spirituall courts. Oblations should be free from compulsion, and superstition, not offered immediatly to God upon the Altar, as sometimes they doe, nor exacted under the colour of maintenance of the ministerie, whereto the tithes are already bestowed to that use. The parson, yea the Bishop himselfe claimeth a

L. 1. de consuetud. ca. statutum.

righte to these oblations, as well as the poorest Priest. To compell men to offer by the censures of their Courts, is against the nature of a free offering. The fees demandable in their Court, as due to the Iudge, the Register, the Advocates, the Proctors, are unreasonable. Large fees are payd for the Iudges sentence, for the Registr and the proctors paines, above the rate set down by their Canons, as the defender of the last petition doth affirme. What is there obtained without paying a fee? They have fees for excommunication, for absolution, for institution and induction, for letters of sequestration & relaxation, for licences to preach, for subscription of a testimoniall, for commutation of penance, for licence to marry without bannes, &c.

P. 113.

Assert. of Christ. pol. p. 73. 74.

The judgement it selfe, in which is to be considered, 1. the calling for the parties to law, 2. Litis contestation, 3. cognition of the cause, 4. the sentence, 5. such things as follow the sentence, as execution, or appellation.

These things are common to every court contentious or voluntarious jurisdiction. Here will be observed, that such a litigious kinde of pleading for things civill and temporall, brings forth not the Church of God. *Nos sumus, sayth* the Bishop of Spalato, *quibus* 1. *Cor.* 11. *contemptibile est forum. Erigat tot tribunalia non habitura pro foro nisi ea quæ terrena sunt, & quæ ad hanc vitam pertinent & levia ejusmodi negotia.* Here also is to be remembred the long formalls of Ecclesiasticall suits, depending in their Courts. *Now the Iudge, Register, Advocate, &c.*

Lib. 3. cap. 8. num. 13.

P. 219.

Proctor, are all agreed to prolong suits for their advantage, and so as the Prophet sayth, they Drap it up, Mich. 7. 3. sayth the Defender of the last petition. Where he doth also insinuate that suits have been prolonged aboue two yeares in their consistories.

Wee have seene what civill causes, and after what manner they are handled. Criminall causes are brought in judgement, either by accusation, when there is one to accuse, or by denunciation, as when the Churchwardens make their presentments into ther courts, twice in the year, and at the visitations, or by inquisition, when the judge of office doth inquire into offences. What are the offences and crimes punishable in Ecclesiasticall Courts, and what are these which they chiefly search out and punish, we have declared in the table of Visitation.

Chap. 5.

Of Archdeacons, Chancellors, Commissaries Officials, and Vicars generall.

NOW followeth the jurisdiction exercised by the Bishops Deputies, and Archdeacons, whereunto I will premit the rest of Sir *Francis Bacon* now Lord Chauncellour his censure.

For the second point, Which is the deputation of their authoritie, I see no perfect and sure ground for that matter, being found at different from the examples and rules of government. The Bishop exerciseth his jurisdiction by his Chancellor and Commissary, Officiall, &c. We see in all times of the World, officers of skill and confidence cannot be put over or ex-

I *ercised*

ercised by Deputie, except it bee specially contained in the Originall granted, and in that case it is duisfull. There was never any Iudge, in any court, made a Deputie. The Bishop is a Iudge, and of a high nature; Who euer counsell it that he should depute, considering that a graue and constant, (as the Apostle) is required, not in word, intercourse, and ought not to be transferred? Surely in this case, Ab initio non fuit ita. But it is probable, that Bishops, when they gaue themselues too much to the glory of the World, and became Courtiers in kingdoms, and great Counsellors to Princes, then did they delegate their proper iurisdictions, as things of too inferiour nature for their greatnesse, vnto an other the multitude of Kings, and Court Functions, they Deputies have their Chauncellors and Iudges.

But that example of Kings and Potentates giueth no good defence. For the reasons why Kings administer by their Iudges (although themselues sit in Iudgement) are two. The one, because the affaires of Kings are for the most part ambitious, and it is a rule in all lawes, that offices of ambition are rather trusts, that procure interest, then confidence, for such as they may fall upon Parties, vpon Infants, vpon Lunatiques, and Idiots, for they are not able to execute the duetie to persons, all transfers such offices of Iudgement, might else be easily procured by Bribery. The second reason is, because of the emptinesse of their imployments. That is as great, as either that Bishops from our Ancestors, or that Soueraignty from God, can claime them. And therefore Moses, that had gouernment ouer no great people, and those he dealt together in a campe, and not scattered in Prouinces, and Cities, himself

likewise of an extraordinarie spirit, was nevertheless not able to suffice, and hold out in person, to judge the people, but did by the advice of Iethro his father in law, approved from God, substitute Elders and Iudges, how much more other Kings and Princes.

There is a 3 reason likewise not much from the purpose, and that is, that Kings either in respect of the common-wealth, or of the greatnesse of their own patrimonies, are usually parties in suits, at which their Iudges sit and in different betweene them and the subiect. But in the case of Bishop, none of these reasons hold. For first, the office is given them for life, and not patrimoniall, or hereditarie. An office worthy of science, confidence, and qualification. And for the second reason it is true, their jurisdiction is ample and spread, so that their time is to bee divided betweene their labours, as well in the Word and doctrine, as government, and iurisdiction. But I doe not see, supposing the Courts to be used uncorruptly, and without any in direct course held to multiply causes for gaine of fees, but that the Bishop might very well for causes of moment supply his iudiciall function in his own person. For wee see before our eyes, that in Chauncellour of England dispatcheth the suits in equitie of the whole Kingdome, which is not by reason of the excellencie of that rare honourable person, who now holdeth that place, but it was ever so, though more or lesse burthenous to the suitor, as the Chauncellour was more or lesse able to give dispatch, and if bee bee taken to that, which was said before, that the Bishops labour in the Word must take up principall part of his time, so I may say since, that matter of state have ever taken up most of the Chauncellours time, having been for the most

part persons, upon whom the Kings of this Realme have most relied for matters of Counsell. And therefore there is no doubt, but the Bishop whose circuit is lesse ample, and the causes in nature not so multiplying, have the helpe of references, Certificates, to and from sit persons, for the better ripening of causes in their mere proceedings, and such ordinary helps incident to jurisdiction, may very well suffice his office. Yet there is another helpe: for the causes that come before him are those, tithes, legacies, administrations, and other testamentarie causes, causes Matrimoniall, accusations against Ministers, tending to their suspension, deprivation or degradation, Symonie, incontinencie, heresie, breach of Sabboth, and other like causes of scandall. The first two of these differ in mine opinion, from the rest, that is, tithes and testaments, for those be matters of profit, and in their nature temporall, though by former and consuetude of the temporall jurisdiction they have been allowed and permitted to the Court Ecclesiasticall. The one, to the end the Clergie might sue for that, that was their sustentation, before the worldly Judges, and the other, as a kinde of pietie and religion which was thought in right to the performance of dead mens Wills. And surely for these two, the Bishop in mine opinion may have lesse danger, discharge and ease upon his ordinarie judges. And I thinke likewise, if it did fall out that those suits are in the greatest number. But for the rest that require a spirituall science, and discretion in respect of their nature, or of the scandall, it were reason in mine opinion, that there were no audience given, but by the Bishop himselfe, he being assisted, as was touched before. But it were necessarie also, he were attended by his Chauncellour, or some other his officers, being learned in the civill lawes, for his better instructions

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in points of formalitie, or the courses of the Court, which if it were done, then were there lesse use of the Officiall Court, whereof there is now so much complaint. And causes of the nature aforesayd being drawn to the audience of the Bishop, would represse frivolous suits, and have a grave and incorrupt proceeding to such causes, as shall lee fit for the Court. There is a third forme also, not of jurisdiction, but of forme of proceeding, which may deserve reformation, the rather because it is contrary to the lawes and customes of this land, and state which though they doe not rule this proceeding, yet may they be advised with for better directions, and that is the oath ex officio, wherein men are forced to accuse themselves; and that is more, are sworne unto blanke, and not unto accusations, and charges declared. By the Lawes of England no man is bound to accuse himselfe. In the highest causes of treason, torture is used for discoverie, and not for evidence. In capitall matters, no delinquents answer upon oath required, nor not permitted. In criminall matters not capitall, handled in the Starre-chamber, and in causes of conscience, handled in the Chauncerie, for the most part, grounded upon trust and secrecie, the oath of the partie is required. But how? where there is an accusation, and an accuser, which we call libs of certaine (from which the complaint cannot varie, and out of compasse of the which the defendant may not be examined) exhibited into the court, and by processe certified unto the defendant. But to examine a man upon oath out of the insinuation of fame, and out of accusations secret or undeclared, though it have some countenance from the civill law, yet it is so opposite ex Diametro, to the sense of the common law, as it may well receive some limitation.

This wise Politician maketh this overture,

supposing that the Bishops ample and spatious circuite will not be contracted, and that those causes, which in their owne nature are temporall, will not be drawne from the ecclesiasticall Courts. For such a reformation is not, nor may not be intended in these lawes, at least Politicians will not hazard their offices and hopes in seeking of it, like Cæsar but. But there is a difference for the Vniuersall and them also. Wherewe haue spoken before against medling with civill causes, their large Diocese, and excluding the Presbyteries from the common government there now in use with. I need not to repeat. Alwayes the reader may take up very solide reasons against the depauperation of their authorities.

The ordinary Iudges, who under the Prince execute judiciall administration in name of others, are the Bishops deputies, to wit, the Vicar generall, for the universitie of causes belonging to voluntarie jurisdiction, 2. The officiall principall, for the universitie of causes belonging to contentious jurisdiction. 3. The Commissary, for certain causes within a certaine part of the Diocie.

The persons having judiciall administration not brought in by any law, but either by Royal composition, or privilege, or prescription of time. By prescription of time are 1. some in exempt jurisdictions. 2. Archdeacons, whose office constitute by law, is to enquire in the repairing and cover-

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ings of Kirks, & their implements, in ecclesiasticall enormities to be punished, to refer to the ordinary matters of greater moment to induct into benefices. 2. jurisdiction, as they have it by prescription. It is exerced either by themselves, or by their Officials.

The Bishop hath a twofold power, one of order, another of jurisdiction. The power of order he committeth to his Suffragane Bishop, as ordaining of ministers and Deacons, Bishoping of children, dedication of Churches and church yards &c. The jurisdiction, is either voluntary, or contentious. The voluntary he committeth, when he is absent, to his Vicar generall, the contentious he committeth to his Chancellour, and Commissary. The Vicar generall then in absence of the Bishop may visite the Diocie, or any part thereof, give certificates into the Kings Courts of benefice and of excommunicates, commit administrations, give licence to marriage upon forbidden dayes, & do all that may belong by the Bishops voluntarie jurisdiction, where of we have entreated already. D. Field saith, that the Bishop hath *power given him, that he might do all things aright that pertaine to the Ecclesiasticall function.* And Lindwood saith, that they might not only enquire into, but also punish and correct offences. The other deputies of the Bishop may be also called his Vicars, yet are they designed by a distinct name, because they have a distinct office, to wit, the Chancellour, and the Commissarie. *De sequestr. c. 1. vrodo Vicarios.* *l. 5. p. 253.*

The Chancellour is the Bishops principall official, deputed for his principall Consistorie. The Commissarie is the Bishops official also,

also, but in some remote part onely, or some places, exempted from the Archdeacon, and he is called in the Canon law, *Officialis foraneus, id est extraneus*, sayth Cantius. This distinction betwixt the Chauncellour and Commissarie, is made cleare in *Covells* interpreter, as followeth. *Officialis in the Canon law, is especially taken for him, to whom any Bishop doth generally commit the charge of his spirituall iurisdiction. And in this sense one in every Diocie is* Offic. alis principalis, *whom the statutes and lawes of this kingdome call Chancellour*, Anno 32. Henr. 8. c. 15. *the rest, if there be more, are by the Canon law called* Officiales foranei, gloss in Clement. 2. de rescriptis, *but Dioc. us termed Commissarij* Commissarij, *as in the statute of* Henr. 8. *sometimes* Commissarij foranei. *The difference of these two points you may read in* Lindwood. tit. de sequestra, c. 1. *But this Word Officiall in our statutes, and common law, signifieth him whom the Archdeacon substituteth in the executing of his iurisdiction, as appeareth by the statute above mentioned and many others places.* Againe, Commissarius *is a title of Ecclesiasticall iurisdiction, at least so farre as his commission permitteth him in places of the Diocie, so farre distant from the chiefe citie, as the Chauncellour cannot call the subiects to the Bishops principall Consistorie, without their too great molestation. This Commissarie is of the Canonists termed* Commissarius, *or* Officialis foraneus, Lindw. de accusat. c. 1. in gloss. *and is ordained to this speciall end, that he supplie the Bishops iurisdiction and office in the out places of the Diocie, or else in such parishes as be peculiars to the Bishop, and exempted from the iurisdiction of the Archdeacon. For where either by prescription, or composition, there bee Archdeacons*

some parts exempted. 91.

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that have iurisdiction within their Archdeaconries, as in most places they have, there this commissarie is but superfluous, and most commonly doth rather hurt and disturbe the countrey for his lucre, then of conscience seeke to redresse the lives of offenders. And therefore the Bishop taking praestation money of his Archdeacons yearly, pro exercitio iurisdictionis, *as it is ordinarily called, doth by superonerating their circuit with a Commissarie, not only* [illegible] *the Archdeacon, but the power first of subiects much more, as common practise daily teacheth, to their great hurt.* The Bishops Chauncellour and Commissarie, and the Archdeacons official, are all three termed officialls in the canon law, the Chauncellour the principall officiall, the Commissarie, *Officialis forainus*, the third, the Archdeacons officiall, or by the generall name of officiall. In the lawes and statutes of England, the first is called Chancellour, the second Commissarie, the third by the generall name of Official. *The name of Chauncellour in this sense, is not so ancient as that of Officiall*, sayth D. Field, *but in a generall signification it is fit for any one that is employed for the giving of answer to suits, for keeping of records, and notes of remembrance, and generally for the performance of some publicall duties pertaining to him, whose Chauncellour he is sayd to be.* The principall officiall, that is, the Chauncellour, howbeit he be but onely a Deputie, yet by fiction of the law, when hee cognoseeth any cause, hee is interpreted to bee but one person with the Bishop, and to make but one consistorie with him. So that howbeit the Bishop be not present there, yet it is his consistorie. Such fictions of law have been made by seeming and deceitfull Prelates, to deceive the

Lib. 5. p. 15.

the world. And therefore say the Canonists, there lieth no appellation from the principall Official to the Bishop, but to the Archbishop: yet from the Commissarie, who is *Officialis foranea*, there lieth appellation. Regularly appellation also may be made from the Archdeacon, and other inferiour Prelates, to the Bishop, saith *Cassius*, unless the custome of the country hath brought in another order. The Archdeacon hath a certaine circuit of the Diocie, wherein he exerciseth his office and iurisdiction. For everie Diocie is divided into certain Archdeaconries, comprehending about the fourth part of the Dioceis, if they be great Dioceis. But if they be lesser Dioceis, they haue but one Archdeacon, as Canterburie, Rochester, Gloucester, Bristow, Worcester, &c. The Archdeacon by vertue of his degree and order, hath no jurisdiction, but only by prescription of time, that is a pasiall custome, which is yet retained in the English Church. In *Hieroms* time at Rome the Deacons began to exalt themselves above Ministers, against which usurpation & evil custome of the Church of Rome, he inveigheth with great vehemencie, as a thing unsufferable, that the ministers of tables, and to widowes, should be lifted up with pride aboue the minister of the word and sacraments, and opponeth to the custome of the church of Rome, the custome of all the churches in the world. And yet the old corruption of that one church, (wherein their institutions ye see if they were excellent) hath spread over the whole church, and grown to a great height. So that *the Archdeacons Dignitie*, saith Mr. Cartwright, *tak-eth the first Ministers of the church, as their equalls.*

cap. 44. pag. 91. 92.

Lamb. Perambul. p. 14.

11 Evag. ad. 81.

Reply. p.

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They are called Archdeacons, not of one particular Church, but of a whole shire, whereas Deacons were appoynted in several churches It is true, that many of their Archdeacons are also ministers, but yet they exercise their iurisdiction over a whole shire, ministers and others wtl in the bounds of their Archdeaconrie, not as Ministers, but as Archdeacons. When the Bishop should have visited his Diocie, and inquired into needfull reparations of the church, and what other things were out of order, hee sent his these Deacons to visit for him. At the first they were sent onely to visit and make report, *but not to sententiate in any mans cause,* Lib. 1. p. 15 saith D. Field, *or to meddle with the correcting* 153. *and reforming of any thing: but afterwards in processe of time they were authorized to heare and determine the smaller matters, and to reforme the lighter and lesser offences. Hence in time it came, that Archdeacons much used by Bishops, committed unto them in the visitation of their diocises, and performing small things, at length by prescription claimed the correction of greater things, as being of long time set themselves into the exercise of such authority.* So the Archdeacons in the end became greater then the Deanes, let bee common Ministers. The lazie Bishop sent his Deacon to enquire into the life and conversation of the Clergie and Ministers, which was not his office, yet ye see from what a small beginning he is risen to so great a height. It is dangerous to depart from the right patterne shewed upon the mount. Againe, to make a Preacher of the word a Deacon, is to confound these two offices, which the Apostles did separate.

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Archdeacons then almost through all England by papall prescription have jurisdiction within their bounds, and power to visite, to inquire into offences, to receive presentments, & to punish with ecclesiasticall censures, to substitute officialls to supply their roomes in their Consistories, whereby it hath happened, that the subjects haue been molested for one and the selfe same fault by the Bishops Chauncelours, and the Archdeacon or his officiall. In a Canon lately made anno 1603 they haue transacted the matter so, that they shall not meddle with the presentments, received at others visitations, how the transaction is kept I cannot tell. It is to be observed that Chauncelours and officials are Civilians, Ministers doe sometime also beare these offices, but *vtterly ignorant in these faculties* For these Courts being confused Courts wherin matrimoniall, testamentarie and other causes of temporal matters are handled not belonging to ecclesiasticall cognisance, no wonder the Minister be ignorant in them. But on the other part, it were a shame if a Civilian should know better how to deale with an offender, and to bring him to repentance. Againe what a grosse absurditie and intolerable abuse is it in the Church of God, that Chauncelours, Commissaries, & officials being Civilians should meddle with the censures of the Church. The Bishop hath vendicate to himself the whole power of excommunication, and then he transferreth this his power by a generall commission to another, which he may not lawfully doe, no not to a minister, far lesse to a Doctor of the Civill lawe, whom he appointeth to be his Chauncelour, or the Archdeacon to him, which he

Canon 101.

'etition to
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.70.

bee appoynteth to bee his Officiall.

They have found out a new trick, which will not serve their turn. The Civilian, the Chauncellour, or officiall, when he is to excommunicate, he hath a minister to assist him, who pronounceth the sentence. The defender of the last petition telleth us, that the minister assistant to the Chauncellour, who is for the most part of the meanest and simplest of the clergie, is but a cyphar, he doth nothing but his masters direction, excommunicateth and absolveth at his pleasure. The Minister is not judge here, the sentence is set downe in writ to him in Latine, which he must rehearse. A memorable example we have in the Assertion for true and Christian church policie, together with the Article made anent this matter. *Vniuersis & Vicarius generalis, officialis seu commissarius, qui ordines Ecclesiastici non susceperit. &c.* Every Vicar generall, officiall, or Commissarie, which hath not taken upon him Ecclesiasticall orders, shall call and associate unto him, some learned Pastor, who being armed with sufficient authority from the Bishop in his institution, or from the Archbish. being a preacher in his province shall denounce and declare by the precept of the Iudge present, the sentence of excommunication pronounced. The example and practise of this precept followeth. Dr. *Hone* the Archdeacon of Surrey his officiall, being to excommunicate certaine persons, had a silly Curat, Mr. *Rowland Allen* to attend his service, and to denounce the sentence which was written to him in paper to read, *Iohannes Hone, Legum Doctor, officialis venerabilis Viri Domini Archidiaconi Surr. omnibus & singulis Rectoribus, &c. salutem. Cum nos vite & ignave conversationes, omnes & singulos, quorum nomina*

P. 175.

P. 387. 388.

Anno 1584.

mina &c. in non comparendo, coram vobis, &c. eum ſuſtem in non ſatisfaciendo mandatis noſtris, &c. pronunciatis et minus contumaces, ipſoſque excommunicandos fore decernimus. Cumque ipſe citatus Dñs Magiſter Rom. Adam Preſbyter, cujus animum ſi ſuggeſtio falſa ſuppoſitio ex officio noſtro excommunicandi in ſe, te ſuſtinuit in exigua, vobis igitur committimus &c. quatenus eos omnes ſuos prefatos ex officio noſtro excommunicatos, juſſimus eſſe palam denunciatis. Datum ſub ſigillo officialitatis noſtre 19 die Decembris Anno Domini 1587. John Hone Doctor of the Lawes, official of the Archdeacon of Ely, and Commiſſary of Surrey, to all and ſingular perſons &c. greeting: Whereas before us lately and lawfully proceeding, and ſtanding, Dñs. Roger Rowland Clerk, and Curate of Sutton, for that he did not appear before us, at the day aſſigned of our mandatory, lawfull proclamations, and decreed him to be excommunicated. And alſo the diſcreet man Mr. Rowland Allen Prieſt, out of our office, to be excommunicated, as by our Decrees more at large doth appear. Whereupon we charge, that you denounce, and declare them excommunicated, ſo as aforeſaid, out of our office to be excommunicated. Given under the ſeale of our officialty, the 19 of December 1587. The poore curate, ſayth this author, ſtoked theſe, whoſe poores leaves the other vnſtocked. Now in this caſe it cannot be ſayd, that it was onely the poore Curate, who did excommunicate. For he is but the hangman, the other is the Iudge. Poore Rowland Allen rehearſed the ſentence by the prompted Doctor Hone. Doctor Hone cited, pronounced them contumacious, Albert, and upon the contumacie decreed them to be excommunicated, preſerved

ſerved the leſſon to poore *Rowland Allen*, without which things the ſentence ſhould be a null-ſentence. D. *Hone* the Archeacons officiall, hath power *to call and aſſociate unto him, and to* P. 392. *aſſiſt the Rowland Allen preſbyter, and another mans hireling Curate in South Darke to excommunicate, without the conſultation of another Paſtors charge, but of any other Paſtor whatſoever, ſubiect to the Archeacons juriſdiction. If it be lawfull at the eye of a lay ſtranger, that an hireling and ſtipendiarie Curate ſhould diſcharge another mans ſheepe out of his owne fold, how much more is it lawfull that a true ſhepherd ſhould diſpenſate his owne ſheepe, feeding and couching* within *his owne paſture, and within his owne fold.* Ye ſee then whereto this execration of diſciplin will turne in the end. The cenſures of the Church as a matter of no worth or moment, ſhall be put in the hands of baſe Officialls and blind *Rowland Allens*. An Oxe and an Aſſe ſhall plow together in the Lords field. The Chauncellors, Commiſſaries, and Officialls, have power to convent a miniſter before them, and if hee compeir not, firſt ſuſpend, and then excommunicate him, as is ex- Can. 113. preſſed by their lateſt Canons. Thus ſhall the chiefeſt of our miniſtrie bee brought under bondage. *The Reader may ſee how unaptly the Biſhops, Biſhops, and Archbiſhops deale with the Church. Which not content themſelves to uſe tyrannie over it, and to take up all them of their private authoritie, which belongeth unto other with them, have alſo brought it into bondage under their ſervants, and ſervants ſervants: for men, Chauncellours,* 2 Reply. 2. part pag. 96. *Commiſſaries, &c.* ſayth Mr. Cartwright. The Commiſſarie court is but a little ſtinking ditch, ſ the authors of the admonition to the Parliament. P. 17.

ment. In this Court *one alone doth excommunicate, one alone pitcheth in judgment, and when he will can draw back the judgment which he hath pronounced, having called upon the name of God, and that for money, which is called the changing of penance. In this Court for none payment of two pence, a man shall be excommunicate, if he appear not when he is sent for. This Court pulleth parishes, pleaseth the poore Lodge-priests, loveth Church-wardens which most serve, punisheth Diconi-cum-adulteris which rejoice in sinne, remitteth Bastardy, inforceth the single person, and that in great part giveth out dispensations for unlawfull marriages, and commutteth a thousand such like abominations where the Judges, Advocates, and Proctors are for the most part popish. And as for Scribes and Notaries, Register Comorants. If they all should put on their Rochets they would be as angry as Wasps, and sting like Hornets. Three of them would be enough to sting a man to death, for they have* P. 50. *high Commissions. Again, Who be their Churchwardens, but most fast dead Papists. I know not if one of them, but he is a Papist. Who be their Summoners, but the veriest Varlets? What are the Canons? What are they but superstitious Papists, and Heretical that the most countenance, but of the Papists? Who be their Judges, and high Commissioners, but them to bring them in thrall, if they be Gods children, and to set papists free, or to be punished lightly. How are matters dealt with in their Courts, but as for Affection's sake? What a charge are they to the Church and Realm? Should have they some that might be found, and it is no small matter the* P. 51. *maintenance they have in their Courts. Again, It would be a right fine sight to hear the learned pleading of many Proctors and Doctors in those Courts, and the Sum-*

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nary, yea and Registers themselves. Mr. Archdeacon and Mr. Chauncellour are then faine to laugh it out many times, when they can keep their countenance no longer. Suppose our high commission were never so odious, yet the Bishops shall bee sure of such servile varlets Commissaries, Officialls, and Chauncellours to sit with them, for why they shall be their own creatures. It is no wonder they be bribers, for the Bishops and Archdeacons, set in farme their jurisdiction to them. *Some Chauncellours and officialls pay 20. some 30.* P. 213. *some 40. pounds yearly for their place, Registers some an hundred, some two hundred pounds, some more. How then is it possible but they should extort in their office, and by unreasonable and untellrable exactions make up their hard rents?* as it is sayd in the Defence of the last petition for reformation. Many grievous complaints have been made against Officialls, Commissaries, and Chauncellours from time to time, in Germanie, France, and other countries, which I might produce to make this bondage yet more sensible.

Chap. 6.

Of Suffraganes, Deanes, and Cathedrall Churches.

WE have seen in the former Tables, what persons have judiciall administration. Now follow,

Persons having no Iudiciall administration. Those are either Ecclesiasticall persons, or lay-men. Ecclesiasticall persons are the

Deacon, and the Minister: and they have their function, either without perpetuall title, as Curates, or with title. The second sort, either have a peculiar function beside their common function, or have not a peculiar function. Those who have a peculiar function beside the common, either have it through the whole Diocie, or but in a part of it. Through out whole Diocie, as the ritular Bishops, who were of old called *Chorepiscopi*, that is, Rural Bishops, now they are called Suffraganes. They are to bee considered either according to the place, which they hold in the Common-wealth, to wit, next unto Barones, or according to the place which they have in the Church, to wit, that they are Bishops both in calling and order, but wanting jurisdiction, 2. Dedicate Churches, 3. confirme children, instructed before in the Rudiments of Christian religion, and that in a Diocie allotted unto them.

That which is here sayd of Suffraganes, that of old they were called *Chorepiscopi*, is confirmed by *Alcuin* himself. For hee sayth, that the Rurall Bishops are like the old *Chorepiscopi*. *Qui sunt in adjutorio Ecclesiæ Cathedralis Episcopi & Archipresbyteri Regionarij haud dissimiles.* And so doth *Bigotius* also in his introduction into the theorie and practique of benefices

Rep. 2. pag. 339.

Bigot. introduct. pag. 122.

benefices. At the first, where the Gospell was spread through the Countrey townes and villages, as it was through Cities, so they had Countrey or rurall Bishops, as well as Bishops in cities. But ambition and pompe in Citie Bishops increasing, it was thought a disgrace that such a dignitie should be obtained with a meane place or residence. Therefore it was decreed, that it should not be lawfull to ordaine any Bishop, either in villages, little Townes or Imall Cities, lest the name and authoritie of a Bishop should waxe vile. Sathan was advancing this way the great mysterie of iniquitie. Because he would make of Bishops raging Princes, *he went about*, as is well observed by Mr. Cartwright, *With robberie of the rest, to set up the head of one*: otherwise the great pompe which they were striving for, could not be maintained. At the first, the countrey or Rurall Bishop had the same power in his Diocesse which the Citie Bishop had in the citie and suburbs of it. *Hierome* sayth, that the Bishop of an obscure citie hath as much authoritie as hee of the most famous citie. The Presbyters who were ordained by them, their ordination was not made voyd and reversed, and they were throwne downe through the pride and dispite of citie bishops, to the order of priesthood, which is an argument sufficient, that they were in estimation and judgement of the Church, bishops of that same sort and kinde, that the citie bishops were. Being spoyled of the greatest part of their power, and name also, they there called *Archiepiscopi*, at the last, Countrey or rurall Deanes, and were made subject not onely to

Se Damasus, Decretal.

2. Reply. 1. part. p. 525.

Ad Evagr.

Pag. 422. to Bishops, but also to their Archdeacons, *Ne propter subrogationem in locum Chorepiscoporum subirent Archipresbyteri, & idem sibi quod antea Chorepiscopi arrogarent, si immediate Episcopis supponerentur.* sayth Blondus a Papist. This is his conjecture, that the Archpresbyters were thrust downe to a degree lower then Archdeacons, lest if they had been immediatly subiect to Bishops they might perhaps have claimed the power of the old countrey Bishops, to whom in place they succeeded. For iustly Archpresbyters may claim by their order, that which Archdeac. cannot do. For howbeit they be inferiour to Archdeacons in Popish dignitie, yet they are greater then Archdeacons in respect of their order. Countrey Bishops at their first erection being equall to Cittie Bishops, were not their Deputies. In the later, and corrupt ages, proud Prelates, and loytering Lords, addicting themselves to the world, seeking ease, or intangling themselves with worldly affaires, as they committed the Ecclesiasticall jurisdiction to Chiun elours and Commissaries, so that which is most proper to them as they pretend, at ordination of Priests and Deacons, confirmation of children, and dedication of Churches, they committed to Suffraganes, that they might give themselves to ease, and wait upon Councells, Parliaments, and other civil Courts: and reserved nothing belonging to their owne charge, that might trouble their ease, or draw them from attendance upon Princes Courts, and civill employments. D. *Fiddle* Lib. p. 152. *leth* against these Suffraganes Bishops, *Melchior Canus* a papist. *Such I suppose Melchior Canus contrasting of Councells, and the persons that Councell*

Councells confirmeth, they are so farr from having any place, or voyce in councells, that they neither have, nor ought to have any place in the church at all. The Bishop he speaks of, he calleth invalid Bishops, simply for that whereas full Bishops had both staffe and ring expressing their jurisdiction, as well as their dwelling to the church, these had the ring only. That Suffragines may ordaine Priests and Deacons, and confirme, in their Church, is evident by their latest Canons. Now if Bishops may transferre these things which belong to their order to one Suffragine, they may transferre it also to more, and consequently to all the Cathedrall and countrey Deanes, and restore the countrey Deanes to their old liberties againe. Indeed saith onely upon some new Canon. The Bishop of Spalato sayth, *Imo si velit Episcopus, & canones non prohibeant, potest suos parochiales omnes Episcopos facere, & ordinare ut omnes sui ordinis ita sint plane ad hoc ut ecclesiæ & simul ac in solidum cum ipso Ecclesiam gubernare.* The Bishop may make all his parish priests, not onely halfe but full Bishops, that they might governe the Church in common with him, sayth he, if the Canon law were not an impediment. The parish priest may curse this Canon law, that hindreth them of that which Gods law alloweth them. But that which Divine law hath given to every pastour, neither Canon nor civill law should take from them.

Can. 35. 60

L. 2. cap. 9. num. 15.

In a part of the Diocie, as Archpresbyters whom they call rurall Deanes, and now they are imployed for the most part, to convocate their Classis, 2. to intimate to them something directed by missive from the ordinarie,

dinarie, as occasion shall require. 3. to Induct into benefices in place of the Archdeacon, being busied in some remote part.

There were two sorts of Archpresbyters of old. The citie Archpresbyter, who is now called the cathedrall or citie Deane, & the Countrie Archpresbyter, who is called now the rurall Deane, who was at the first institution moderator of the classis, or countrey Presbyterie, & thereafter made a countrey Bishop, or *Chorepiscopus* within his owne circuit, as the citie Bishop was at the first but President, or moderator of the Presbyterie of the citie and suburbs. For we must not think that the citie Bishop ruled alone without his Colledge of Presbyters, more then the citie Bishop doth. In processe of time the citie Bishop grew to this great stately, which now we see, and the old *Chorepiscopus* decayed, and was thrown downe by degrees, till at last he is come to this poore estate of a rurall Deane. He is not ranked in this hierarchie amongst the persons having judicial administration, but among those who have none, as we see, to intimate to the Trustie within his Deanrie, what is the Bishops pleasure either severally, or to convocate them together to that effect, or to put any person in possession sometime of his Benefice, for the Archdeacon. Every Diocese in England, as we heare before out of Mocket, is divided in Archdeaconries, more or fewer according to their extent: Archdeaconries into Deanries. The Deanries comprehend ten Parishes, sometimes more, seldome

Mocket p. 24.

seldome fewer. But cathedrall and collegiat churches are exemed out of the Archdeaconries, and rurall Deanries. Over these Deanries are set rurall Deanes, *quibus præficiuntur Decani rurales, antiquis Archipresbyteris non multum dissimiles* sayth hee. Then againe in every Diocie there are iurisdictions exempt eyther from the Archdeacon, and subiect immediately to the Bishop, or exempt from both, or from the whole Province of the Archbishop, and subiect immediately to the King in respect of appellations. They want not corrupt order of governement, which they had in time of Poperie: no not so much as their exemptions. To returne then to the rurall Deanes. These rurall Deanes upon the Bishops, or his deputies warrant cited such within their Deanries, as were to compeir before the Bishop, or his deputie, and this their citation under the seale of their office they were to certifie to the Bishop, or his deputie. But Lindwood sayth, *quod ter cos potius quam per alios, inhibent sigilla authentica, multæ fidant fraudes*, and that they colluded with the partie in faining the certificates of their citations, when they had not made any due citation, and therefore Iohn Peccham Archbishop made a constitution, that every yeare they should sweare to give out no certificates without due citation. They were sworne every yeare sayth Lindwood *quia quolibet anno mutantur Decani, et fiunt novi*. They were to hold Chapters in a sett course foure times in the yeare, and at other times, as often as occasion should require sayth D. Field out of Lindwood. But Lindwood

De iudicijs cap. Quidam.

l. 5 p. 150.

De Constitutionib. cap. Quia verb. explicabit.

Lindwood writeth thus, *Et horum capitulorum quædam tenentur de tribus hebdomadis in tres; quædam semel in quarta anni, & hæc dicuntur, Capitula principalia propter majorem confluentiam Cleri, & quia in his de negotijs ardualioribus tractari consuevit.* Some did meet every three weekes, some every quarter of year. Their Chapters convening every three weeks, were our presbyteries which doe meet in some place every weeke, in other places in two or three weeks, especially in winter. These chapiters were called *capitula ruralia*, countrey or rural Chapiters, sayth *Lindwood*, because they were assembled in the countrey towns. In these Chapters the Deans did publish the decrees of Provinciall and Episcopall Synods. For the Bishop himselfe did not demit himselfe so farre, as to be present: and therfore sent one to make intimation, or to the Deane to doe it. *Præsidium eum non decet actus pontificales in singulis capitulis hujusmodi intimare*, sayth *Lindwood*. D. *Field* proveth that of old they had power to visit their circuit twice every yeare, and to suspend laymen from the sacraments, and clergie men from the execution of their offices. This was a remainder of the old power of the Countrey Bishop. Now his office is only to intimate decrees of Synods, or the Bishops will in any matter, without any iurisdiction reserved either to him, or to the ministers of the Deanrie assembled together in chapiter, or as wee speake in scripture language, presbyterie. So that their Deanries are a footsteo of that which have beene, and a shadow of that whereof we had the substance. This alteration of government among us, will in the end turne to the same desolation. This

are some Deanes exempt, which are subject immediatly to the Archbishop, and these have Archiepiscopall jurisdiction, sayth *Lindwood*. Wee have before made mention of some rurall Deanes exercising spirituall jurisdiction, but that is not common; next it is Episcopall, for they doe it by themselves without the Chapter

Those which beside the common have no peculiar function, are placed either in some cathedrall or collegiat Church, or in a parish Church. In some Cathedrall or Collegiat Church, whereof they are members, or no members. Of those who are members, the chiefe is the *Deane*. then in some Churches of ancient foundation, other dignities also, as the Subdeane, the Chauncellour, the chiefe Chaunter, the Treasurer. Lastly, the Canons or Prebendaries, of which in the Churches which are more ancient, some are Residentiaries, some not. The greater Residentiaries administrate, and governe in all things with the Deane in that Church, and they have a seat in the Quire, and the power of a voyce in the Chapiter. Canons or Prebendaries not Residentiaries, have a seat in the Quire, but not a voyce in the Chapiter. Those who who are not members, serve either to the administration of the publick Liturgie, or Sacraments, as the petrie Canons or Vicars chorall, or by assisting those who doe

do celebrate, as the Pistler & the Gospeller.

There are also others bearing office in cathedrall Churches, but they are ranked among the lay sort, by the composer of the tables, such as are singing boyes, vergerers, Bailifs, and others set down afterward. The authour of the admonition to the parliament doth thus muster the Deanes of these Cathedrall Churches. *We should be too long to tell your Honours of the cathedrall Churches, the deanes shorsyld of all loytering lubbers, where Mr. Dean, Mr. Archedeane, Mr. Canon, or Prebendaries the greater, Mr. petite Canons, or Canonicke assist Mr. Chancellour of the Church, Mr. Treasurer, otherwise called Lubs the Purse-bearer, the chief chaunter, singing men (special favourers of religion, sparing Epistlers, Organ players, Gospellers, pistlers, pensioners, vergers, &c. Whereof saith, there are 12 disciples of the Antichrist, Pope, Cardinals, Patriarches, Archbishops, Bishops, Archdeacons, Officials, Deans, Monks, Canons, Friars, & Parsons.* He reckoneth yee see the Deans and Canons among the disciples of the Antichrist. And in truth what are they else but idle lubbers, living in the cloysters of their Cathedrall Churches having either no necessary or profitable charge in the cathedral church, where they loyter, or else have a charge in other places, but under colour of their prebends, absent themselves from the churches where they are bound to a cure of soules, and that which they spoyle and raven in other places, there, saith M. *Cartar*, they spend *and mis-spend it where Dub.* And againe he saith, *they should indeed be the rewards of learning, if they were converted unto the maintenance, and bringing up of Scholars, where now for the most*

Pag. 11.

Dialog. l. 4. 26.

Reply pa. 3. 154. 165.

part

tat they serve for fat morsels, to fill if might bee, the greedie appetites of those, which otherwise have yough to live with, and for holes and dennes to keep them in, which are unworthy to be kept at the charge of the church, or else whose presence is necessarie, and dutifull in other places, and for the most part unprofitable there. The Deane, and Canons or Prebendaries, are not sustained with the Ecclesiastical rents and possessions of the citie, where they loiter, but for the most part of the rents and possessions of their charges in the countrey, to their ruine and desolation, the great steeples devouring the little steeples, the great Quires overthrowing the small pulpits. It was come no doubt in a foolish and pretensed imitation of the temple of Ierusalem, to appoint so many singing and singing men to uphold in the cathedrall Church daily chaunting and singing, as was the custome in the temple of Ierusalem. But all the people in the land had communion of worship in the sayd temple, and repaired to it thrice in the yeare to that effect and purpose, beside that the daily worship was in the use of all those who were upon severall occasions to repaire unto the sayd temple, and therefore the whole people of God is called the church of the Iewes, because they had communion of worship in one place. But there is no such place in the Christian churches appointed either for countries, counties, or shires. Every church even the meanest, hath as great interest & privilege to all the points of Gods worship, as the greatest cities, let be the Cathedrall seats, which are not ever the greatest. Then againe their curious singing and chanting

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ing serveth not for edification of the soule, but rather to hinder true devotion, and carie away the mind from heavenly meditation with a carnall and sensuall delite. He that singeth should be like *pronunciantí quam canenti* to one who pronounceth the word, then to one that singeth. Psalmes ar sung by course. & side after side some few singing, the rest of the people restrayned from singing: One half sung with the him, the other half with hart and voice. Then again their musicall instruments were unknowen to the church of God for 800 yeres. Yea it appeareth that they were not brought in, in the dayes of Aquinas. For he sayth, *sed instrumenta musicalia vetuerunt, et Iudaizare non assumit ecclesia in laudibus nisi videatur iudaizare.* The Church then it seemeth used no musicall instruments in his time lest it should seeme to Iudaize. Yea amongst the Iewes themselues these musicall instruments were not used in their synagogues, but only in the temple, which was the theater of all the ceremonies of the levitticall law. Againe that one should read the gospel another the epistle, what an idle distinction of idle officemen in the church is this? for by this reason they may make a third sort also for reading of the law. The Treasurer, Chancelour, Vicecanes offices are not all alike in every cathedrall church, sayth Mucket, but divers according to the different statutes of divers places. It is hard therefore distinctly to define particularly their offices. The Deane of the cathedrall Church succeedeth in the roome of him, who was called *Archipresbyter rurianus* the cheif Presbyter, as the rurall Deanes doe the Countrey presbyter. But the cathedrall chap-

2. quæst. 11. art. 2. 4.4.

336.

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ter doth not consist of the presbyters of the citie, as the rurall chapiter did consist of the presbyters within the rurall Archpresbyter his præcinct: yea they were bound to sit in chapiter with the Deare, sayth Dr. *Field*. But all the Presbyters of the cathedrall citie doe not at anytime sit in chapiter with the cathedra Dean as I gave a lively example before of the citie of London, where the Ministers of the severall parishes doe not sit in chapter with the Deane of Pauls, but onely Canons and Prebendars, who for the most part ought to serve at parishes perhaps 20. or 30. miles from the citie. The cathedrall seat of Canterburie hath 12. or 13. parishes, but not 4 able preachers, sayth the author of the Assertion for true and Christian Church policie. I have been in some of their cathedrall cities, where they have no parish minister to teach, but onely the watering of some prebendarie, who commeth to attend on service in the temple, and neglecteth his owne charge with cure of soules. Againe, suppose this chapiter did consist of parish ministers within the citie, yet that some should bee made cardinall to sit in chapter, either with Bishop or Deane, and others secluded, having as great interest in the common government of their flocks, as it is not grounded on the word, so it was not known to pure antiquitie, as wee have already made evident. And it is acknowledged also by *Bellarmine*, howbeit hee doeth conjecture upon a false ground, what was the cause of it. *Nam à tempore Apostolorum per multos annos, imò etiam per aliquot secula, vix pauci erant Presbyteri & Diaconi, omnes simul ad celebrationem Episcopi, & ad concilia vocabantur, neque ejus erat tunc distinguere à Car-*

Lib. 5. p. 150

Pag. 151.

Pag 80

De Clerici cap. 16.

Cardinalibus non Cardinales sint etiam in aliis Ecclesijs non distinguebantur Canonici à non Canonicis. And yet there were many Presbyters at Rome in *Cornelius* time, as they themselves confesse, yet even then this distinction was not made, as *Bellarmine* in that same place doth acknowledge. Farther, this same chapiter hath not any meddling with jurisdiction in common with the Bishop. The Deane and Prebendaries in many places have power severally to excommunicate in their parishes, which belong to them in peculiar, but they convene not chapiterlie to exercise spirituall jurisdiction, and inflict spirituall punishments, and censures upon every delinquent within the Diocese, yea or cathedral seat onely, either with the Bishop, or without him. Alienation of church lands, or letting of takes, and such like, which concern the possessions of the Church, may not passe without them: but for spirituall jurisdiction they are content that the vicar generall, and official principall part that betwixt them. To what use then serveth the cathedrall Deane, and his Canons or prebendaries, &c. but to wear copes and caps, surpets, and hoods, rochets, surplices, to sit on organs to sing curiously, to read gospels and epistles, according to their severall offices, and in their severall turnes and courses. In the 24. canon of the last constitutions, when the communion is to be celebrated upon principal feast dayes, if the bishop himself be not present, then the Dean is to administer the communion with a cope. And notwithstanding of all this, the Deane must sit in some chiefe place of the Church, with his velvet cushion before him,

and

and cloth of estate, and be brought to his place with a silver Mace before him.

Chap. 7.

The calling and function of English Priests and Deacons.

THE name of Priest to signifie a minister of the Gospell, is usuall with them, even in their latest Canons. Howbeit it seemeth to bee derived from the Greek word *Presbyter*, yet seeing it hath been used to signifie a sacrificing Priest, such as the Masse-priest was thought to be, and is still retained in their latest translations of the Bible, to signifie a sacrificing Priest, their pretext of the originall of the name, is frivolous, for either they should translate the Leviticall Priest sacrificer, if they would retaine the proper signification of the word priest, or else abstaine from, or alter the name of Priest, seing they may have choyce of names.

The Ecclesiasticall persons in the Parish Church are, the minister, and Deacon. In the minister are to bee considered, his externall calling, and his publicke function. His externall calling is, either to the order and degree, or to the benefice, and place of the ministerie. The externall calling to the order and degree is seene, either in things preceeding the ordination, or in the ordination it selfe. In things going before the ordination, as 1. publick intimation made by the Bishop, in the most famous

places of the Diocie of the day of ordinations, 2. Letters testimoniall to the Bishop ordainer, from men of good credit and religion, as well of the conversation of him who is to be ordained, as of his birth, that that he is not a bastard, or bond-man. 3. the examination of him who is to be ordained, either of his education, whether hee were brought up in a common Schoole, or in an Academie, or of his progresse in humane literature, or theologie, in which is to be considered, either the proficiencie it selfe to be tried by the Bishop himselfe, or the Archdeacon, or some other appoynted for him: or else, the degree which hee hath taken on in the Schooles. The ordination it selfe consisteth in prayers for him, who is to be ordained, 2. in exhortations to him, and 3. in imposition of hands.

You may see, that they make the calling to the ministerie, and the calling to the place, two divers actions distinguished in time, whereof none ought to be admitted to the ministry, but when and where there is a place voyd. The Apostles ordained not ministers to rove about through a whole province, but appointed them to one or two towns. Tit. 1. 5. Act. 14. 23. The Councell of Chalcedon decreed, that no presbyter should bee ordered lightly, that is, unless there were a place for him to bee in some certain parish or cure. The word *Apolymoneti* they interpret without a title, but then by a title they meane, not a particular charge, but some

some possession or living to be maintained by. *But who will ever admit* (sayth Mr. *Calvin*) *that the title which the Councell requireth, is a yearly revenue to maintaine himselfe with?* In the latest canons this Popish interpretation is approved, where are set downe the titles of such as are to be made ministers. If he be provided to a place in some cathedrall, or collegiate Church, or if he be a Fellow, or in the right of a fellow, or if he be to be a conduct or Chaplain in some colledge in Cambridge, or Oxford; or if he be a Master of Arts of five yeares standing, that liveth of his owne charge in either of the universities, or if by the Bishop himselfe that doth ordaine him, he be shortly after to bee admitted to some benefice, or curatship then voyd, is he sayd to have a title, howbeit hee have not as yet a particular flocke, which was not the meaning of the councell of Chalcedon, farre lesse the meaning of the holy Ghost in the scripture. They have *made* 60. 80. *or* 100. *at a clap, and sent them abroad into the country, like maisterlesse men*, say the authours of the admonition to the Parliament. And againe, *When they have made them, either they may tarry in their colledge, and lead the lives of lazying loselles as long as they live, or else goe abroad with the Fishers Nette, like to Circumcellions to preach in other mens charges, where they list, or else get benefices by friendship, or money, or flattrie, where they can catch them: or to conclude, if all these fayle, that they may goe up and downe like beggars, and fall to many fellies, or else as many have done, sit up with a Pack at Paules, or at the Royall Exchange, and such like publike places, to see if they can have offer of some good maisters to entertaine them into service.* In the late Canons foreclayd,

Inst. lib. cap. 5. Sect.

Can. 33.

Pag. 2.

Pag. 13.

the Bishop is ordained to maintaine him in all things necessarie, who hath not one of these titles, till he preferre him to some Ecclesiasticall living, which is but one of the rotten Canons of the Canon law. If this were kept, 3. or 4. Bishops in this realme would have kept such houses as never any did in this land, as is sayd in the foresayd admonition. Their order in making Priests, is this. First they must be Deacons before they be made Priests, for so they interpret the words of the Apostle, 1. *Tim.* 3. 13. *they that have ministred in the office of a Deacon well purchase unto themselves a good degree*, that is, say they, a step to the ministerie. The Apostle sayth not that they who doe the office of a Deacon well shall get a good degree or standing, but that in so doing they get themselves a good degree, that is, authoritie and estimation in the church, and consequently great boldnesse in the faith. For a man may have gifts sufficient for a Deaconship and yet never have gifts sufficient for the ministerie. But admitting the office of the Deacon were a step to the ministerie, that he who is a Deacon may be a Minister, it followeth not that there is not accesse to the Ministery, but by this step of the Deaconship. And therefore not to admit a man to the ministerie, unless he first take upon him the office of a Deacon, is a sinfull errour. It was decreed in those auncient Canons, that no Bishop should make any person, of what qualities or gifts soever, a Deacon and a Minister both together upon one day. 32. *Yet that they should not be kept from the Ministerie a whole yeare, when the Father shall finde good cause to the contrary: but that those being now foure times appointed every*

yeare for the ordination of Deacons and Ministers, there may be ever some time of triall of their behaviour in the office of a Deacon, before they be admitted to the order of Priesthood. Yet they are not so nice, but this order may be dispensed with, and that one may take on both the orders upon one day, as Mucket doth record. When the time of giving orders draweth neere, the Bishops Bull is set up upon the Church doore, to give warning, that if any be minded to receive orders, let them repair to the Bishop at such time and place. This is, sayth Mr. *Cartwright*, like the sound of a trumpet to gather an Armie. But the Bill which is set up upon the Church doore, is in latine, so that the people cannot understand the sound of the trumpet. This Bill doth not desire the people to come, & object against the persons to be ordained. And suppose that were the end, it were but a deluding of the people: for either they have a Priest or Curat already, and then they have not need to object, or else the place is voyd, but they know not against whom to object, for amongst 40, 50, or 100. perhaps they know not who is the man, that is appointed for them. The Bishop and the patron out of the whole number will choose afterward when and whom they thinke meete. And howbeit there were not one voyd Church in all the Diocie, but incumbents in every one of them, yet the Bishop will give orders. And againe, if none of them have ever been conversant in these vacant parts, how can they stand up and object against them. The day of giving orders being published, which is ordinarily upon the Lords dayes after the Ember weekes, Pag. 309

then there is repaire to the citie or village where the Bishop is to give orders. He that can purchase the letters commendatory of some nobleman, or knight, shall come best speed. Then is he to be tried by the Archdeacon, who is but a Deacon onely in respect of his Archdeaconrie. Howbeit sometimes the Archdeacon be also a Priest, beside that it is a confounding of distinct offices, it is not by vertue of his Priesthood, but of his Deaconship, that he trieth the persons who are to be ordained. They are tried by some questioning, but as the Archdeacon pleaseth. Their pastorall gifts of utterance, doctrine, and exhortation are not tried either by the Archdeacon, or any particular church: nay these gifts are not needfull in an English priest; for a bare reader is sufficient to bee an English minister. The Archdeacon is sometime in one part of the countrey, and the bishop in another. *The Bishop making ministers at Exeter, while the Archdeacon at Oxenford, or the Bishop making ministers at Lichfield, and his Archdeacon at Durham.* When the day of ordination is come, after an exhortation made, & the communion celebrated, the Epistle and Gospel read, and the hymne, *Veni creator* sung or sayd, the Archdeacon presents to the Bishop all those who are to take on the order of Priesthood that day, with these words. *Reverend father in Christ, I present to you the persons here present, to be admitted to the order of Priesthood.* Then after some demands and answeres, of the Bishop, and the other, who is to be admitted, he demandeth of the people who are present there, where he giveth orders, if they know any impediment which may hinder any of these present to bee admitted

Strasb. p.

admitted to the order of priesthood which is a manifest mockage. For it may be, that none there present ever heard or saw any of them, or all of them, before that day. But these words report that ordinations of old were performed before the congregation, whereunto he was to bee appointed. Thereafter the oath of the Kings supremacie is taken, then againe after an exhortation, follow other demands and answers. After that the people who are present, are desired secretly to commend the businesse to God, for which cause they are all silent for a little space. After that the Bishop readeth a prayer, which being finished, they who are to be ordained, sitting on their knees at the Bishops feet, the Bishop and the rest of the Priests who are present, lay hands severally upon the heads of every one of them, the Bishop uttering these words, *Receive the holy Ghost, Whose sinnes thou dost forgive, they are forgiven, and Whose sinnes thou dost retaine, they are retained: and be thou a faithfull dispensor of the Word of God, and of his Sacraments. In the name of the Father, and of the Sonne, and of the Holy Ghost, Amen.* Hee commandeth the ordained to receive the holy Ghost, as our Lord and master did when hee breathed on his Disciples, bestowing in very deed the gifts of the spirit when hee breathed upon them. Ordinary pastors cannot conferre the gifts of the spirit, whether breathing as Christ did, or by laying on of hands as the Apostles did. They may as well imitate Christs breathing, as they may usurpe these words. Whether the ordained receiveth the holy Ghost or not, let the world judge. *Calvin* sayth of the Popish Priests, *ex equis fiunt asini, ex fatuis fiunt nihili*, *Instit. lib. 4. c. 19. §. 29.*

tutiores, quicunque in sacerdotes consecrantur. Is any of their Curats after the pronouncing of these words, either the holier, or more apt to teach, and yet beside this blasphemie, they will the ordained to dispense the word of God, who cannot divide and cut it aright. Where it is said, *Whose sinnes ye forgive shall be forgiven, &c.* a power to retaine and forgive is given them separate from the preaching of the word, as in the Roman Church an infinite number of Priests cannot preach, yet all have power to absolve from sins. So it is, the blind English Curates. Sicklike it is a grosse errour, when after that the bishop delivereth to each of them the Bible in his hand, saying, *Take thou authoritie to preach the Word of God, and to minister the holy Sacraments, in the congregation where thou shalt be appointed.* He should rather have put the service book in his hand. For either they are ignorant and cannot preach, yea not tried in that faculte: or if they can, they may not till they get a licence of the Bish, and what parish they shall be appointed to any congregation, or not, they are uncertaine because it dependeth upon the patrons pleasure. *So then, if it be [illegible] like the Sophisters, at the Councel, or if the Prince Bishops see the dearth [illegible] men, Blush the Bishop repent is so Bish, or as Saruton saith out, the, cannot get out of their market at command to make a man, for Bish either cannot, or Bish not, not only not faithfull, but not so much as lay hand of that Asinus to be Bish appointed,* sayth Mr. *Cartwright.* When all this is done, the company convened sing the Creed, and they goe to the communion, which all they that receive orders take together, and

Reply, 1. art. p. 28.

receive

remaine in the same place; where the hands were layd on them, untill such time as they have received the communion. The celebration of the supper went before in the beginning of the action as is enjoyned in the book of ordering Bishops, Priests, and Deacons, but they communicate not till the end of the action. The first celebration then was nothing but a consecration, as they call it, of the bread and wine, without the partaking of the communicants, & all the rest of the action must intervene before they partake: for to what end els is there made twice mention of the communion. So the first is like the offering of a sacrifice, the last is liker to the supper. Is not this great cōfusion betwixt the first and second part of that holy action, to let intermingle another action, yea as some say, another sacrament, confounding two sacraments together. Their Litanies and Collects, for brevities sake, I passe by.

The external calling to the benefice, or certaine place of the ministerie, is either to a parsonage or a vicarage. In each of them is to be considered, 1. nomination, either when the right of presentation is in another person or his, who doth nominate, as sometime it falleth out: or when the right both to nominate & present belongeth to him. 2. The Bishops triall of his gifts & qualification, whether he be capable or not of such a Benefice. 3. Admission either to the title it selfe, as when the Bishop doth institute at the presentation of another, which is called Institution, or when the Bishop himselfe who

who doth institute hath the right of patronage, which is called Collation: or else admission is to the possession it selfe by inducting, which is either done by the Archdeacon himselfe, or by his deputie.

After they have thus received their order of Priesthood, and are ordeined at large *in multis*, they pay for their letters of Orders (for their admission to their Ministerie must not be free of fees) and runne abroad through the whole Diocesse, where they please, preaching any where, if they have gotten after their Ordination another licence to preach. For they must not preach by vertue of their order of Priesthood in the intendment of the Prelates, but must have the Bishops warrant to that end. They are put in remembrance at their ordination in the Bishops interrogatories, & exhortations, in the Gospels and Epistles, and at the deliverie of the Bible in their hand, of the dutie of preaching and teaching. But that is onely for a fashion, for they read of the booke these Gospels, Epistles, Exhortations, which were used of old, and are retained still in the booke rather to be a monument of that which hath been, then for their right use and end. For in the Romane Church, when the Masse Priest is to receive orders, by the Epistles and Gospels, &c. he is put in remembrance that he must bleise, converte preach, baptize, &c. his doctrine should be spirituall medicine to the people of God: that the Church of God is to be edified both by preaching and good example. These are peeces of the ancient order, which was in the Church, lying still in their corrupt pontifi-

cals,

...ls, to be rehearsed in the forme of a service. ...when they come to the action it self, wher- ...the order of Priesthood is actually confer- ...at the laying on of hands, there are no such ...ches used. So in the English, much is said ...preaching and teaching before they come to ...laying on of hands, but then there is a ge- ...all word used, *Be thou a faithfull dispenser of ...rd of God*: not meaning to dispense by prea- ...ing, for they know that many of them cannot ...ch, but to dispense it, as it is divided & set in ...er to be read, & sung in the service book. Or ...e they mock God, his word, and his Church, ...er the old Popish manner, not intending the ...ght dispensing of the word by preaching. ...When he is to be set in a certain place, he see- ...eth the Patrons favour, or maketh some simo- ...niall action with him, as we have alreadie ...heard out of *Brightman*, and a little before out ...of M. *Cartwright*. The Patron presenteth the ...man whom he thinketh fittest for his own hu- ...mour, and the Bishop doth try his gifts, and ...estimeation. Heere the liberty of election is ...taken from the Congregation, and given to the ...Patron and the Bishop. That the Patron should ...be some way acknowledged for his liberalitie ...toward the Church we doe not gainesay. Ther- ...fore *jus utile*, that is, if he be redacted to poore ...estate, that he be relieved with the rents of the ...Church, and *jus honorificum*, right to a seat in ...the Church, and *jus onerosum*, to have a care ...that the rents be not dilapidate, as also to be ...gardian and keeper of the rents of the Church ...during vacancie, or what other thing else, not ...favouring of superstition, or ostentation wee ...grant unto them, but the right of presentation

of

of Clerkes to the pastorall office we cannot grant. The Church may not resigne this liberty of election in the hands of another man, but is ever bound to retaine in her own hands the freedome to choose the fittest person to have charge of their soules. This liberty of Election was acknowledged to be so equitable, & grounded upon the principles of nature, that there should be more Clerkes then one tryed where Church was voyd, where this order might be had, that in the Councell of Trent, some others also chosen by the Synode beside the Bishop, were ordained to examine and chose the fittest of those who offered themselves, or were offered to a tryall, and this is called *examen pro concursum*. But in our neighbour Church they have no such constitution. The Bishop himselfe tryeth or appointeth whom he pleaseth, none is deputed by a Synode to joyne with him. And where the Bishop himselfe is Patron of a benefice, he maketh not, nor yet receiveth any offer of a leete of many that the worthiest may be chosen, but the Church is under the same bondage, whether the Bishops or Laymen be Patrons. Now what is this examination of the Bishop, surely very superficiall, and imaginarie. The request of any in authority is able to obtaine the Bishops institution, suppose he be unsufficient. And *indeed there is no extreme sute, the doore is not so hard barred*, sayth Mr. *Cartwright*, *there muste but the lifting up of the latch*. And in another place he sayth, that *many say, that for a dish of fruit of the gathering, they lose out, and make all manner of vnchastity of the Lord Orchard, that he which hath no gift to beare, yet if he have a gift in the land, and*

a Reply part, p. 333.

.110.

ether key to open the Church doore, and enter in-
a temple. He that came to the Bishop of Win- *Abstract*
chester to serve in his Diocesse, borne at Nor- *p. 83.*
wich, and made a Minister at Peterborow,
knew not how many Sacraments there were,
and requested a dayes respite to answer the Bi-
shop, what the office of a Deacon was, may be
true for example, to let us see, what manner of
men may receive orders amongst them. Have *p. 235. 237.*
not the Bishops chosen, sent, and commended
to us, saith the Author of true and Chri-
stian Church-policie, *such as know not a Bee*
from a battle-dore, or the Lords prayer from the
Creede of Faith, of all sorts of Ministers, the
Tyson of Haskam now living, a Chaplain in Win-
ton Diocesse may be produced for a witnesse, omni
exceptione major. It is related there, that this
Tyson at the instant request of a Knight, was
commanded by the Bishop, which was the first
petition of the Lords prayer, after he had a
little space pawsed and gazed towards heaven,
at length made this answere, *I believe in God*
the Father Almighty, &c. This profound Clerk,
howbeit hee could not obtaine the institu-
tion at that time: *yet afterward*, saith this Au- *p. 238.*
thour, *by corruption of the same Bishops Chancel-*
lour he was instituted in the same benefice, and to
this day vnfaithfully, though he can hardly
read English to the vnderstanding of his people. I
could informe him also of many other such Clerks,
blind and lame in that Diocesse, &c. That
which the Bishop could not doe at the first, by
reason of the Knights opposition, he did after-
ward at his Chancellours desire. Lest any man
should thinke, that there hath been but a
few of these examples, let us heare what
Mr *Cat-*

2. Reply. 1. part. p. 537. 548. Mr. *Cartwright* sayth, *I am well assured, that all the Ecclesiastical stories extant, are not able to furnish of so many and worthy ministers chosen by all the churches throughout the World, which have been in the Apostles times, as have sanned these few out of the pulpits, out of the Universities, out of this small number of Bishops, which are in England. On the other side if a man will cast his eyes to Europe, he shall see in persecution and fear, and from thence driven into the Churches of some part of Savoy, and yet stretch them out further to some certain countries within Germany, and come home to our neighbours the Scots, and compare usually the most chosen of the Churches, with the most part of the Bishops make (if he love not his own credit) and last a Volume of that I hath undertaken) he shall be compelled to confess a much greater difference between the one and the other, as between gold and copper, or any other refuse matter.* The people which are fed, are to the people which are not fed with preaching, like an handfull to an horse-full, or an inch to an ell, sayth the author of the Affection for true Christians. P. 245. *These are the fruits of the Patrones presentation, and the Bishops selected choice in institution, & collation. The person elected, chosen, and lawfully ordained, should have testimonials under the hands of the Presbytery, and chiefe of the people, to certifie, that he is duely and lawfully elected and ordained, that is, that he hath the just title to the temporalities, and in place of the Archdeacon the kings officials appointed to that effect, being certified by this testimonial may by another writ cause firme, and really induct into the possession of manse and glebe, & other possessions. So the Archdeacons pretend*

signet should give place to the kings great seal, with the authour of the Assertion. For as the order doth stand, there falleth out many contentions, and suits in law, sometime betweene the Patron and the Bishop, sometime between two Clerkes presented by two Patrons: sometime between the Clerke presented, and the Bishop, the Clerke calling the Bishop by a double quarrell before the Archbishop or the Judges of the court of audience, for not granting institution: sometime between the Clerke admitted, and the Archdeacon not executing the Bishops inductorie mandate, because the Church is not vacant, and betwixt him who pretendeth the title, and the reall incumbent, whereupon doe fall out many foule riots, breaches of the kings peace, and unlawfull assemblies upon entries, and keeping of possessions. What a great hinderance the patrones power to present, is to the planting of churches with a learned and faithfull ministerie, not onely the Church of God in former ages, but also our owne since the reformation in a part, can beare witnesse. This is the difference betwixt us and them in this poynt, that they defend this right of the Patrone, which taketh away liberty of election, we crave a reformation of it, and were more carefull to try and sift the person presented, yet this is the inconvenience, that seldome it fall out that the worthiest were nominated, where patrons had a right to present. You see then, what wayes a man commeth to the ministerie, and a benefice. First, hee must receive orders, and pay well for them. *For it can not be denied, but the Bishops Secretarie, Gentleman Usher, groome of his chamber, Butler, Pantler, Porter,* *Assertion. p. 258. 259.*

Assertion. p. 259.

ter, and other the Bishops menials (besides his own and his Registers fees, and his Clarke for expedition) doe usually (all, or most of them) challenge and receive fees (some more, some lesse) before the poore minister with his leave of order can be suffered to passe by the patents seale. When all this is done, what crooked meanes he must use before he come to the possession of a benefice, ye have heard also, and how the Congregation is all this time neglected. *This cannot be denyed, that that is not any one man or woman, among st 40. many one parish among st, that can tell what to be offered, did see or heare of the Minister appointed, and sent by the ordinarie to the last Incumbent, or last Vicar, of the Parish Church vacant, before such time as he either, or the Parish Church is to indge with the Churchdore keyes to him by Custom, to sing the Litle for the said Parson or Vicars induction, and real possession.* P. 252.

The publicke function of the minister, is either in preaching, or in the rest of his administration. In Preaching, either with licence granted him for that part after the Bishops approbation, and that either to his own flock, or without to Clergie or people, or without licence obteined to that effect, as if being master of Arts, or in any superiour degree, he preach to his owne flocke without licence.

We see then that the giving of orders is not a giving of power to preach, for then every one who receives orders may preach without any further licence, as well as a Master of Arts, who is new come from Cambridge from his

Phœnix Le-

Rhetoricks and Physicks. This licence granted to some, and not to all; yea, not to the most part, declareth that they doe not esteeme preaching any essentiall part of the Priests function, more then the Papists doe, and the practise among the one and the other is just the same. For none of their Priests do preach, but such as are licentiate. The author of the Petition to the Queene sayth, *Where the Bishops ordaine one minister that can teach, they make twenty that cannot teach: and so idle shepheards are set up in the roome of true Pastors.* They that can teach are bound hand and foot till they get a licence; But *forbeare Christ bad his Priests preach, who should forbid them preaching*, said *Wickliffe*, in the exposition of his Conclusions exhibited to the Bishops. When they have gotten licence either they loyter: or if they preach, their preaching is hedged in with penalties, injunctions, cavets, canons, advertisements, that they may not deliver the whole counsell of God: or else they play the part of prophane Orators, with affected eloquence; or make the people laugh with merry tales, as the Authour of the Admonition to the Parliament doth relate. To conclude then, a bare Reader of the service booke in English, is sufficient to be an English priest.

P. 5.

P. 52.

In the rest of his administration, according to the prescript, either of the Q. Injunctions, so that they be not repugnant to the lawes, or of the Liturgie set forth by publique authoritie.

This Liturgie maintaineth a Reading Ministerie: for *it requireth nothing necessarily to bee*

C. 1 Rep. 204. *dently the Minister, which a child of ten yeare old cannot doe, as well, and as lawfully, as that man whereunto the booke containeth it selfe.* Preaching is but accidentall and accessorie, without the which their office doth, and may consist. *And* Idem, f. 47. *indeed here, and sundrie other, are our common Ministers for the most part; for common reason may judge the unsufficiencie of them, who is able to satisfie them the Text so far forth, as, because the Kalendar and the Rubrike of the booke are fewer and shorter, than in Popish and Papist. So that if the Church, that Papistical which hath set them and Latin in them, may serve for our turne, say the Authours of the Admonition to the Parliament.*

The administration according to the prescript of the booke of Liturgie doth concerne, either the Bishop or the Church, or the Minister himselfe. The Bishop, to wit, in confirmation of children: The Church, either in certaine rites, as bowing the knee, or in certaine answeres.

Of Bishoppes we have entreated before. The Congregation as part standeth in some rites, and certaine, or in some answers: *When the people* Vi. 93. *perform it, stand up. When the Old Testament* Im. p. 14. *is read, or the sermon, they make no reverence, but when the Gospel is named, then they all stand up: they think that the Gospel is of greatest authoritie, and yet it is meant that the Scriptures come from one Spirit.* They make curtesie when Iesus is named, either in Scripture or Sermon, or otherwise, uncovering their heads, and making a leg, with such scrapyng on the ground, that the Minister or Reader

der cannot be heard for a space thereafter. And yet saith the Author of the Petition to the Qu. *The Bishops and their Chaplains seldome use this, but sit at the reading of the Gospell, as if the Gospell were more holy then the rest of the Scripture: afterwards they forget it, when lastly and rightly they should stand at the name of Iesus.* The name of Iesus is more reverenced, then the name of Saviour, which is of the same signification; or other titles of Christ, or when he is named Messias, Christ, Mediator, the Son of God, &c. or when God is named: as if the Apostle had meant Philip. 2. that every knee should bow at the naming of Iesus, when as he only saith, *At the name of Iesus*: that is, every creature shall bee made to acknowledge his power, and authority, which is his name, as the word is often taken in the Scripture. It is not the sound of 5. letters, but his divine power that is meant. Then as for answers, the people are appointed at divers prayers to answer word for word after the minister, whereby an opinion is ingendred in their minds, that other prayers do not so much pertaine to them, as those which they utter with their own mouthes. As the minister is the mouth of God from God to the people: so should he be the mouth of the people from the people to God. Sometime the minister saith one part, and the people another. And in sundry parts of the Letanie, the people make the prayer, and the minister onely directs them what to pray for. At the communion one of the people is allowed to make the generall confession in the name of the whole congregation. At some prayers they are enjoyned to kneele devoutly, and not at others. P. 69.

In the administration which doth concerne the Minister himselfe, or to be considered, either the substance of the booke it selfe, or certaine directories.

As for the substance of the book, it is taken out of the Popes portuis, with some rubricks, and glosses of their own framing. The same matter which is contained in the English, is also contained in their service book, with some little addition. The same forme is also observed with a small alteration, whereas our forme of service should be as different as may be, from the Popish. And for length, it is so wearisome, *that many times it shutteth out Preaching, sixe when Baptisme, the Communion Morning, Churching, and Burial, con ure together, at often they do in great Congregations,* as it is said in the Abridgement of Lincolne Ministers. Divine service in the Apostolicall Church was not spent in reading prayers, Psalmes, Epistles, Gospels, &c. but for the most part in doctrine and exhortation. When the Congregation assembled, their Pastor was with them, and he spent not the time in reading lessons, prayers, collects, &c. but uttered some word of exhortation, and doctrine, upon the parcell of Scripture which was read; as was the custome also in the Synagogues. And suppose it had been omitted at any time in the Synagogue, we reade not of any such lame Liturgie in the Christian Church, in the dayes of the Apostles, nor in many ages following, till blindnesse ignorance and lazinesse, made the chiefe part of divine service to be omitted, and a prescript forme to be made, for lazie and ignorant Priests. For shall we believe that,

§ 70.

that as long as Pastors were able to teach and exhort, that they posted over a number of prayers and lessons, &c. and no farther? No The bels of Aaron should give a sound, as often as the Lords Priest entreth into the Sanctuarie. Or doe they thinke, that their Pastor was abroad at his pleasures, when the flock was at their pasturage, as devine service, and some other reading minister serving them. The Apostolicke Church, and purer Antiquitie, knew no such matter. Out of the lessons, or Psalmes, which were read, the minister took the argument and ground of his sermon, beginning after this, or the like manner: *Ye have heard brethren the booke of, &c. read. The booke is read, wherein it is prophesied. We heare brethren, when the Gospell was read, the Lord saying that &c.*

The directories are contained either in the Kalender, or the Rubricks. In the Kalender, to direct the minister in such things, as belong either to the minister himselfe, or to the whole Parish. To the minister himselfe, either in reading some Psalmes each day of every month, or of the rest of the Bible, partly out of the Canonicall Scripture, partly out of the Apocrypha bookes, and that within the yeare.

The reading of Psalmes, and other parts of Scripture, is not preaching, but the word read is like a loafe unbroken, or not divided in peeces, and morsels. And therefore it is not a right set forme of service to prescribe all the Psalmes to bee read within the space of a month,

or so many lessons of the Scripture within a year to take up the time, which should be spent in preaching. Lesse Scripture read, and withall explained, and opened up to the use of the hearers, is more profitable. And if the other prejudge this, howbeit the matter be good, for it is the good word of God, so much as is canonicall, yet the forme is naught, and in this case unlawfull. Then as for the reading of the Psalmes, they make daily prayers of them, when as they be no all prayers, or else the matter of these which are prayers, doth not agree to the present time and state of the Church, but are read than I wot not. The Apocrypha bookes should not receive that honour, as to be read publikly in the Church, as canonicall Scripture is. Because they containe sundry false and frivolous things; and suppose not, yet they are not the trompets which are set apart and sanctified by God, to bee blowne by his priests in his temple. The church of the Iewes read no other Scripture but Canonicall, *saue* the Prophets, and the Psalmes: and the Christian Church in the purer times, onely the monuments of the Prophets and Apostles. The Counsell of Laodicea decreed the same also. The reading of them in the Church hath made the people beleeve, that they are portions of the old and new testament. *Surely*
66. *of the Bishops take texts out of the Apocrypha*, saith the author of the petition to the Queen. Divers chapters of the Apocrypha are appointed to be read for extraordinarie lessons upon Festiuall dayes, and some parts of the canonicall Scripture are omitted.

The

The directories, which direct in such things, as belong to the whole Parish, are anent observing feast dayes, and daies of abstinence from flesh.

They have a number of feasts, and fasting daies, more then the Lawes hath appointed to them. The holy daves observed by them, besides the weekely Sabboths, are these following, the dayes of the feasts of the Circumcision, of the Epiphanie, of the Purification of the blessed Virgin, of S. Matthias the Apostle, of the Annunciation of the virgine, of Saint Mark the Evangelist, of Saint Philip and Jacob the Apostles, of Christs Ascention, of the nativitie of Iohn Baptist, of S Peter the Apostle, of James the Apostle, of Bartholomew the Apostle, of S. Matthew the Apostle, of S. Michael the Arch-Angel, of S. Luke the Evangelist, of S Simon and Jude the Apostles, of all Saints, of Saint Andrew the Apostle, of Saint Thomas the Apostle, of Christs Nativitie, of S Steven the Martyr, of S. John the Evangelist, of the holy Innocents, Monday and Tuesday in Easter weeke, and Monday and Tuesday in Whitsonweeke. This is their number and order as it is set downe in the beginning of their service booke. They keep the same order in the observation of them, that the Popish church observeth, with the same distance of one from other, upon the same dayes, Gospels, Epistles, Collects, and proper lessons the same, howbeit some time fewer, with the like observation of feasts. And howbeit S. George be left out in their kalendar, yet is his day honoured, *Dea Saint, saith Dane v. hath no found autentic-* Discov. p. 8

Disco. p. 82. *ment with his solemne procession (and that by no small estates, but even the greatest of the land) with Cornets, Trumpets, Harpe, Shakebuts, Psalteries, Dulcimers, and all instruments of musicke, &c. The Saint hath but noble or two of Knighthood: hath also his peculiar Chaplaine Palatine of the order: also is to weare a gold ring on his thumb.* The holy dayes are dedicate to the Trinitie, to Christ alone, to Saints, to Angels As for the day dedicated to the honour of the Trinitie, Bellarmine doth confesse that it is recent, that it was not observed at Rome in the dayes of Pope Alexander the third. It was celebrated in some particular Provinces, but not received into Rome, till the time of Pope Iohn the 22 It was thought needlesse, seeing the Trinitie was remembred, either one way or other in the daily service, but especially upon the Lords day: for the Preface of the Trinitie day was sung upon the Lords day, and the Creed wherein the Trinitie is remembred, was not omitted. If there should be a holy day for every great mysterie of our religion, then must we have many more holy dates, then we have yet had. If a particular day for the Trinitie entred but of late in the Church, for the respects foresaid: then what mysterie of Religion is remembred frequently on the Lords day, in hymne, prayer, confession, creed, or sermon needeth not a speciall day, and a set service with boldly rest for that mysterie. You see then, that the feast which was instituted a long time by the Popes themselves, the English doe retaine. As for the feast of Easter, it goeth to the life & death of Christ the most principall, & most ancient, is Easter, and yet it was not observed by the Apostles. The

De cultu sanctor. c. 15.

Lord

hote contentions about it, whether it should be observed upon the day of the full Moone, or the Sabboth after, declareth that they did not institute it: for they could have easily decided that question, whether shall we be conforme to the Iewes in observing the same day with them or not: v. a. the Apostle, 1.Cor 5. 8. speaking of the celebration of our Easter, tveth us not to a certaine number of dayes, as the Iewes were, who after the eating of the Lambe, might not have any levened bread in their house for seven dayes, but sayth, ours is all the yeare long to be observed, ye through our whole life, & with other kinde of unleavned bread, both by particular Churches, & persons. No where doth he refer us to anniversary Easter. The Christian Pentecost was not observed by the Apostles, howsoever sometime some of thé went up to Ierusalem at the Iewish Pentecost, to confirme or lurrifie the Iewes, as long as the Temple stood. If the Apostles thémselves, upon whom the gifts of the H. Spirit were powred that day, did not observe it themselves, who were the receivers of the benefit, what warrant haue we to observe it. If neither Easter nor Pentecost were Apostolical institutions far lesse the Ascension day, and the Nativitie. The feast of Circumcision *Bellar.* saith is very recent, & it is to be observed that they have a service day, or holy time for Christs circumcis. but not for his Baptisme for upon the Epiph. day they make mention of the 3 wisem. & the star, but nothing of Chr. Baptisme in their Gospels and Epistles. In a word all the dayes dedicate to Christs severall acts are all humane inventions, some later, some more ancient, & Iewish formes, wherwith that people was brought

up

up under the pedagogie of the law, a rudimentarie kind of instruction, not beseeming the Christian Church, nor answerable to the cleare light of the Gospell. The Iewes anniversarie dayes were abolished not onely for their peculiar service, or signification of things to come, but altogether, howbeit memorials of by-past benefits. Christ and his Apostles did institute no day for remembrance of a particular benefit, no not the weekly sabboth, let be an anniversary day. For the weekly Lords day was not appointed for remembrance of the particular benefit of Christs resurrection, but for the whole worke of God. If the Lords day were referred directly and expressly to the commemoration of the resurrection, then should it be the proper and peculiar service of the Sabboth, that should we not have at all a day determinate in the new testament, an institute to worship God for himselfe, and all his workes in generall. There was then no mentionall dayes appointed in the new testament, but a morall day for the worship of God. The sacrament as often as we celebrate, it is a memorial of his passion. When the word is preached, Christ is crucified before our eyes. But dayes of particular commemorations of some speciall actions with solemnitie and cessation from worke, we have none, nor was it the intention of Christ, or his Apostles. If there be no warrant to dedicate anniversarie dayes to Christ, farre lesse to the virgin *Mary*, and the rest of the Saints, and of Angels. Their holy dayes of Saints are called the Saints dayes as well as Christs dayes are called his. And they have their collects, gospels, epistles, as well as Christ hath his: and what

reason have they to have some anniversarie remembrances of so many Saints of the new testament, and never one for any of the old? Can they give any reason of this difference, but a Popish one? And among these of the Christian church, why is *Timothy* and *Titus*, and many more remembred as the rest are? the Iewish purification of our Lady upon the candlemas day, a matter of such moment, that it is to be honoured with some speciall day, and actions of greater importance are not so to be honoured? This might the Maior of London have shewne at S. *Stevens* tombe in *Paules* church, and saythe a *Papist* hath, as *Stow* reporteth. If I should insist upon every part of the day, and rip up their collects, gospells, epistles, hymnes and songs, I should be too prolixe. For we should fall upon many follies. As impertinent application of the word of God. In the collect from Christmas to Newyeares day, they are appointed to say, that God was borne upon this day, when as it becometh him to be borne onely upon one day, for it is grounded upon an erroneous conceit of *Zacharies* high priesthood, that he was born the 25. day of December. In the collect on Innocents day, it is sayd that the infants *Herod* murthered, were Gods witnesses. The Creed is to honour the high dayes, not the common creed, and is appointed to be read onely upon certaine holy dayes, it shall not grace other dayes. *Venite* may not be at Easter, as it doth all the yeare before, but after follow *Domine labia mea*. They have a reason for these and other like superstitious matters, but such as *Durandus*, or any other

Discov. p. 24.

Popish

papist can give them, out of their reasonles Rationalls. What holyneſſe they place in their holy dayes may be ſeene in that they haue a ſtricter reſt enjoyned upon them, then they urge for the ſabbath, whereas the Lord required a ſtricter reſt upon the Sabbath, then upon other daves appointed by himſelf. Then againe their principall feaſts haue Eaves and devout faſtes going before. Thirdly they ſay they will not change them, let us ſee that they may be changed; but retaine the ſame dayes which the papiſts obſerve, and which, they ſay, were conſecrate and made more holie then other dayes, be the actions which were wrought on theſe dayes, as the manger and croſſe of tree was with the truth of Chriſts body. Even howbeit this reteyning without change, doeth nouriſh in the people both a ſuperſtitious and popiſh conceit of the holynes of the day and the erroneous conceit that Chriſt was borne on ſuch a day, Iohn Baptiſt on ſuch a day, that Zacharie was high prieſt etc. To let paſſe other popiſh opinions of worſhip, and merite, The moſt part obſerve it with maſking, dancing, gluttonie, games, enterludes. For the which ſuperſtitious, and enormous conceits, and incorrigible abuſes, they ought to be aboliſhed, ſuppoſe in themſelves they had beene never ſo indifferent.

Beſides their Eaves they have their ordinary faſtaies, Ember weeks, and lent faſt. And if they ſay that abſtinence from fleſh onely is commanded for ſome politicall reſpects, I would demand wherefore is the miniſter or Curate enjoyned after ſermon, homilie, or exhortation, to declare unto the people, whether they

be any holy dayes, or fasting dales the week following. Are not the people commanbed likewise to repaire to the Church to pray, and to heare divine service. Their lent beginneth as the popish doeth upon Ashwednesday, with a terrible cõmination, where are pronounced many bitter curses and the people answer & ratifie every one of them with their own mouth saying, Amen. The priest before he utter the curses, after the lettanie is sayd, goeth to the pulpit, to imitate the levites who pronounced curses upon mount Ebal, and never but once, & he saith, *Brethren, in the primitive Church there was a godly discipline, that at the beginning of Lent, such persons as were notorious sinners, were put to open penance, and punished in this World, that the soules might be saved in the day of the Lord: and that others admonished by their exãple might be the more afraid to offend. In stead whereof until the same discipline may be restored again, which thing is much to be wished for: it is thought good that at this time should be read the generall sentences of Gods cursings against impenitent sinners.* Yee see that corporall and afflictiue penance is commended for good discipl. for the discr. of the prim. church, for the discipl. of lent, and especially on ashwensdday, & that it is wished to be restored again. I beleeve thé. It is disciplin, ashes, shriving, and such other gear that they would haue. In the last collect upon the first day of lent, or ashwednesday, the priest, or Curate sayth, *Be fauourable to thy people, which turne unto the in weeping, fasting, and prayer.* Is this to fast for ciuil respects onely, for the maintenance of sea faring men, and preservation of cattell. The Priests and Clerks kneeling say the Psalme, *miserere mei Deus*. The prayers, and

and special exhortations tend to begin their repentance that day. The week before Easter has a prescript service, epistles, and gospells for every day, which no other week in the yeare has saue the ministers of Lincolne in their Abridgment, p. 90 91. They obserue likewise that not one day in all the yeare hath three collects but good Friday, the Friday before Easter. Now we may see then, that the end of their Lent fast is the same with the Popish, to wit, that they may be prepared to receive the communion at Easter, as if that communion needed a greater preparation then at other times, or had a greater vertue: *Item*, to be prepared against the celebration of the feast of the resurrection: to repent for the sinnes of the whole yeare: to imitate Christs fast of 40. dayes, which was a miraculous fast a fast of another kind, for it was without murmuring, a fast for one time, and not vsed againe either by himselfe or his Apostles Mat. 9. The Ember weekes, which were called *Ieiunia quatuor temporum*, are appointed, they say, to pray in, and fasting, because the Bishop is to giue orders vp on the Sundayes immediately following, as it is said in their latest Canons. They tie the giuing of orders to set seasons of the yeare, when as ministers should be thrust out into the Lords harvest, wheresoeuer there is need. Then againe such are enioyned to fast, as haue no need of a pastor, for all the parishes of the Diocese are not destitute. Where there is no feele of a want, the prayers will bee cold. It is expedient indeed that the particular congregation which hath need, humble themselues. Thirdly, this their fast is but abstinence from flesh, but not from fish, or any other

Can. 31.

delicacies which they can get, as if flesh were an unclean creature, and polluted. So their fast in all the orders and rites of it, is the Popish fast. Lastly, they joyne not fasting and giving of orders together, as they should doe, if they followed aright that example which is set downe, Act. 13. 1. 2. but they observe their ceremonious fast, or rather superstitious abstinence from flesh on the week before, and not upon the Lords day following, when they give orders. For upon the Lords day they thinke it unlawfull to fast. And yet they will rather sever their ceremoniall fast from the action, then that it should not be performed upon the Lords day: for why? that was the day on which the cloven tongues came downe upon the Apostles: and they observe the third houre of the day ceremoniously, that is about nine a clocke, because then was about that time that the gifts of the holy Ghost were powred on them. For the Bishop must say to the Priest, *Receive the Holy Ghost.* And so one superstition is at jarre with another, and great confusion there is, and disorder in their rites and ceremonies, and no wonder, for they are Babylonish. Yet for all their apish imitations, the cloven tongues come never downe upon any of their silly Curates. The Friday fast is like the rest, and dependeth upon their mother good Friday, which hath bred them. These are their set and superstitious fasts. Extraordinary and occasionall fasts for urgent necessities, and the miseries either of their owne Church, or other Churches abroad, they have often, or very rare.

Other directories are contained in the Rubrickes,

Rubricks, which serve to direct in the manner of administration, either of some parts of the liturgie, or of the sacraments. Of some parts of the liturgie in such things as concerne all which are of that congregatiõ, or some only. Of such as concern all, as in the publick prayers, or reading of sacred homilies. In publike prayers either ordinary or peculiar to some time, and occasion.

Their prayers are to be considered both in matter and forme. In the matter, as when in the collect upon the 12 sunday after Trinitie sunday, it is sayd, *Almighty and everlasting God seeing we stand in the assurance of thy mercy arising unto us that our prayers dare not presume to ask* There is nothing which is needfull for us and lawfull, but wee dare and should aske it. They pray to be delivered from thundering, & tempest, when there is no appearance of danger. The third part of their prayers concern the commodities or incommodities of this life. They crave to be delivered from all adversitie, as if the petition in the Lords prayer, deliver us from that evill one, or wicked one, to wit, the Divill should be translated from all evill. In S. Bartholomew his collect they pray that they may follow his footsteps, and there is none of them extant. Why say they, O Ananias, Azarias, and Misael, praise the Lord, more then O Peter, Paul, and virgin Marie, praise the Lord. The forme of their prayers is set downe as a lesson for the minister to read. So that the gift & exercise of the spirit is limited, & circumscribed with their prescript prayers. For howbeit hee

could

could pray with the tongue of an Angell, hee must be tied in time of their service, to the words which are set down in the booke. Sometime the Minister is enjoyned to beginne the Lords prayer with a loud voyce. Sometimes the Clerks and people are directed to say the Lords prayer with a lowd voyce at one time, and not other. Then againe their prayers are shred into many small peeces, *They may stay into or three* TC 1 Repl
words, and then after having read some other thing, p. 108.
more and pray as much more, and so to the 20 or
30 time, with pawses betweene. Prayers should be continued together, not cut off and interrupted, or cut in small peeces. They doe with their prayers, as they doe with their Gospels and Epistles, which they rent from their contexts, which would serve for memorie and greater edification. They multiply words tending to the same effect, using repetitions and babbling. How many *Kyrie eleisons* and *Christe eleisons* will they have at one time. *At one and the same meeting of the Assembly, the Lords prayer is to be rehearsed 8 severall times, and Gloria patri 12 times.* Abridg
p. 55.
Neither the Papists justly defend their beads. *Glorie be to the Father, &c. is not sayd after Te Deum laudamus, as after Benedicite, Magnificat, and nunc dimittis.* They have their times to kneel at some prayers, not at others. The Minister is ordained to stand in the accustomed place, or as the discretion of the Ordinarie. So that is left to the discretion of one man which tendeth to the confusion of many. The accustomed place is the Chancel. *Thereupon*, saith M. Cartwright, *Minister in saying morning and evening prayer, 1. Repl. pag.*
keepeth the Chancell with his book to the people, 101.
as he should speak with God, & not the

Survey of the B. of Common prayer p. 47.

people might not heare. And leaue pen it is likely that after morning prayer, for saying another number of prayers, he taketh up to the further end of the Chauncell and runneth as far from the people, as he will let him, as though there were some variance betweene the people and the minister, or as though he were afraid of some infection of the plague, and indeed it resembleth the manner of the Leuitticall priesthood, which did Dut-cast them from the people into the place called the holiest place, where he talked with God, and offered for the sinnes of the people. The chauncell distinguished from the body of the Church, is their holy place for the Priest, and *He hath a peculiar dore to the chancell, through* Dial none might passe but Leuites, saith Barrow, *For the epistles and lessons, there is commandment giuen, what they should be read in the body of the Church*, saith M. Cartwright in his first Reply, In his second Reply he saith, *I am assuredly perswaded, that the tenth Church in England hath not all the seruice said in that place* Dwhere the whole Church may heare it. They would rather stick to the Iewish or popish rites, and imitate Masse priests, then serue Gods people. For marriage he commeth to the bodie of the Church, for Baptisme to that part, which is ouer against the Church-dore, and so trudgeth from place to place. The Letanie must not be vsed but vpon Sundaies, Wednesdaies, and Fridayes, except the Ordinarie appoint other: the Minister propoundeth things to be prayed for, or against, the people performe the prayer, saying with a lewd voyce. *Good Lord deliuer us, we beseech thee to heare us good Lord*, and this they often repeate. And yet one suffrage is put out of the letany, which was in

Disc. p. 131.

p. 101. b. part. p. 287.

Survey of the B. of comm. pray. pag. 99.

before, to wit, *From the tyrannie of the Bishop of Rome, and all his detestable enormities, good Lord deliver us.* They say certaine Psalmes and prayers over the corne and grasse, and certaine gospels at crosse-waies, saith Barrowe, In the ser- *Disc. pag. 6*
vice booke, the Curate is thus directed anent Homilies. *After the Creed, if there be no Sermon, shall follow one of the Homilies already set forth, or hereafter to be set forth by common authoritie.* Who knoweth what is hereafter to be set forth. The Survey of the booke of common prayer doth relate, that *many points of Popish and Lutheranisme, are broached in Court, and in the pulpits, and yet not called into question, as be Doctrines tending to the Reformation of Popish ceremonies.* Iudg then what corrupt Homilies may be set forth. And yet Ministers are urged to subscribe to the booke of common prayer, notwithstanding of the foresaid Rubrickes. It is the office of a Pastor to preach, and not to reade Homilies. Hee ought to cut and divide the word aright, and apply it to particular sores, which cannot be done by homilies. What was said against Apocrypha bookes, may be throwne against them. The reading of homilies is a cushion for idle or blind Priests to rest upon. What say you to *the Vicar of W. who upon an holy day in stead of preaching the Word, which he could not, or reading of homilies which he would not (to terrifie his Parishioners with the judgements of God, and to move them to repentance) solemnly read, and published a counterfeit fable out of a little pamphlet, intituled, Strange newes out of Calabria, pretended to be prognosticated by M. Iohn Dekta.* *P. 61.* *Assertion the true Christians gospel pag. 1*

The parts of the Liturgie which concerne onely certaine persons are seven. 1. Celebration of matrimonie.

In the first words uttered to the married persons by the Priest it is said, that *Matrimonie signifieth unto us the mysticall union, which is betwixt Christ and his Church.* Then againe in a Collect after the completion it is said, *O God who hast consecrated the state of matrimonie to such an excellent mysterie, that in it is signified and represented the spirituall marriage, and unitie betwixt Christ and his Church.* Is not this to apply the words, Ephes. 5. 32. *This is a great Mysterie*, to the conjunction of man and wife, which the Apostle intendeth of Christ and his Church, by which interpretation the papists have made matrimonie a Sacrament, and the band betwixt the married persons inseparable, and not to be dissolved but by death. In the first part of their homilie of Swearing, Baptisme, and Matrimonie, are called Sacraments. The minister receiving the woman at her fathers, or friends hands, is to cause the man to take the woman by the right hand, and give his troth to the woman. Then are they to loose their hands againe, and the woman taking the man by the right hand, giveth her troth. *Then shall they againe loose their hands, and the man shall give unto the Woman a Ring, laying the same upon the book, with the accustomed duty to the Priest & Clerk. And the Priest taking the ring shall deliver it unto the man, to put it upon the fourth finger of the womans left hand. And the man taught by the Priest shall say, With this Ring I thee wed, and my body I thee worship, and with all my worldly goods I thee endow. In the name of the Father, Son, and Holy Ghost.*

Then the man putting the ring upon the fourth finger of the woman's left hand, the minister shall say, Let us pray. O eternall God, &c. In the prayer, the ring given and received is said to be a token and pledge of the vow and covenant made betwixt them. Is there not heere an heap of types, and yet never one wanteth a signification. The ring must be put upon the fourth finger of the left hand, because say they, there is a veine which runneth from that finger straight to the heart. The ring must be layed on the service booke, I know not to what end, except it be to sanctifie it, in stead of that blessing and sprinkling with holy water, which the Popish Priest uses, as may be seene in the Romane Rituall. Then againe what sense can be made of these words, *with my body I thee worship*, One of a thousand doth not understand them, their Priests have not explained them. The words of the Apostle Peter, 1. Epi. 3. 7. *giving honor to the wife, as to the weaker vessell*, doe signifie onely tender care and solicitude, and to beare with her infirmities, she being the weaker vessell. For honor after the Hebrew phrase is largely taken. To give honor as to the weaker vessell, and to worship her with the body is farre different, as the word worship soundeth in our Language. The Apostle 1 Cor. 12. 23. saith, *And those members of the body which we thinke to be lesse honorable, upon those we lay more abundant honour*, that is, with greater carefulnesse we cover, then wee doe other members: But we are not to worship the members, which are lesse honorable. The Priest is appointed to say to end this prayer, that the ring is a token & pledg of

Rituale Romanum, p. 174. 175.

covenant made betwixt them. If the ring had beene used onely at the contract, as a civill rite, it might have been comported with, but to bring it into the Church, I meane to divine service, is either to prophane the same with civill ceremonies, or pollute it with Popish and superstitious rites rather, as these are. For they were counted in time of poperie holy and religious rites of a holy Sacrament. The married persons must communicate also, as was the custome in time of blindnesse, where every holy action behoved to have a Masse: and so that action which should be common to the whole Congregation, who are members of one body, is made private and particular to a few, howbeit in a publique place. Then againe they have their forbidden times to marie in; yea, more then the Papists have, at least, so many as have embraced the decrees of the Councel of Trent, from Advent to the Epiphanie, from Septuagesima sunday to the octaves of Easter, from the Rogation weeke to the octaves of Pentecost, amounting in all to the third part of the yeare: as if marriage which is called honourable, did prophane these holy times. The councell of Trent hath dispensed with the Pentecost and the second they beginne at Ashwednesday. Now notwithstanding of these forbidden times, they may get a dispensation for some money, and then it shall be lawfull enough, and these holy times shall receive no pollution; for money hath a great vertue with it.

2. Thankesgiving after childbirth.

This is commonly called the Churching of women. It stands best in Psalmes, suffrages, and collects, wherein help is craved at God, not

notwithstanding he take upon him authority to [illegible] from thas. Then there is a Psalme, and [illegible] read. The silly curat can give no [illegible] comfort, then the few set words, which [illegible] all, can minister to the departing soul: [illegible] person can get some to communi- [illegible] and vanish, hasting ashamed to looke up- for some folly committed. When she commeth to the church shee must kneele downe nigh unto the place where the table standeth, that is, nigh unto the Quire dore, as the Rubrick in 1. Edward beareth, as the women did who after the dayes of their purification were ended, were appointed to bring their offering to the dore of the Tabernacle, Levit. 12. 6. unto the Priest, who shall make attonement for them. Then the Priest readeth over her the 121. Psal. and assureth her, that the Sun shall not burne her by day, nor the Moone by night. Is not this a very pertinent Psalme for the purpose? The Lords prayer being sayd, and some versicles and answeres, and then another prayer, she doth offer her accustomed offrings: and if there be a communion she receiveth the communion. Call this churching a thanksgiving, yet what reason is there of publick thanksgiving in the Church more for deliverance after childbirth, which is ordinarie, then from drowning, or other extraordinary dangers, or diseases? and of woné more then of men? were not that the imitation of the Iewish purification is the Mysterie of it. And so was this service imitated in the booke 2 Edw. *The order of the purification of women*, as is reported in the Survey. This superstitious service is not voluntarie, but enjoyned: P. 147.

When they come to the grave, while the corps is made ready to be laid into the earth, they sing, or say againe another parcell of Scripture out of Iob: then while the earth is cast upon the body by some standing by, the Priest again saith something, and confidently affirmeth that God hath taken his soule and is of assured hope [illegible]

3 The visitation and comfort of the sick.

The Priest entring into the sicke mans house sayth, peace be in this house, and to all that dwell in it. When he commeth to the sicke mans presence, he kneeleth downe, and prayeth his prescript lines for forgivenes of sinnes, with two kyrie eleisons, and one Christe eleison, the Lords prayer, and some other verficles and responsories, when as yet he hath not spoken a word to the diseased, or understood, whether hee bee sleeping or waking. After the exhortation read which he may breake if need be, and the Creed rehearsed, he desireth him to make his will, and also declare his debts, what he oweth, and what is owing him. Thereafter he moveth him to liberalitie. Then shall the sick person make a speciall confession, if he feele his conscience troubled with any weightie matter, after which confession the priest shall absolve him. When he absolveth he sayth. *By his* (that is, our L. I. Christ) *authoritie committed to me, I absolve thee from all thy sinnes, in the name of the Father, and of the Son, and of the H. Ghost. Amen.* He absolveth like a Iudge, as the Pope the Priest doth, giving out a definitive sentence, and absolveth doth forgive not by way of declaration. This absolution is fetched from the preaching of the word, for the dumb Curat cannot preach

in thanksgiving. This help is to live and walke faithfully in their vocation, as if they were made uncleane by their childbirth to enterprise anything. Shee will not starre out of the house suppose she were never so strong, till the compleate time be expired, that is a month commonly. When shee commeth forth, she is mufmoaly. When she commeth forth, she is muf-
fled & [illegible] the communion. If others may not [illegible] yet the minister & one alone may communicate together: and for the straitnesse of time, they have but one collect, Epistle and Gospell. Thus are the people confirmed in an opinion of the necessitie of the sacrament, and the action which should be publique, & solemne, as the institution beareth, and the practise of the Apostolicall Church declareth is made private, & administred peculiarly in a corner, as if there were no other meane to eate the flesh and drink the bloud of Christ, or [illegible] were tied to the externall signes.

4 The Burial of the dead.

They have a threefold peale enjoyned in their Canons. When any is passing out of this life a bell is to be tolled, after the parties death, a short peal is rung, another before the burial, & another after the burial. When the time of the funerals draweth neere, the Priest & the clearks must then ready. The Priest puttern on his surplice, and then commeth to the Church stile to meet the corps. Then the Priest shall say, or the Priest and clearks shall sing and so go either to the Church or towards the grave. The words when as they say or read allowed by the Priest, or [illegible] Priest and clearkes, are 2 or 3 small [illegible] For any part of Scripture [illegible] as well as Psalms, in their services.

and the Bishops have punished women for not
P. 61. being churched, sayth the author of the Reformation to the Queen. Some are churched at home
P. 142. by the Priest, and thereby sayth the Surveyor, *They confirm the truth of her travail, if she be not seen to church and kill not, or in superstition of being not churched they all might mistake the use* of his resurrection to life eternall. [illegible]ne is said or sung a sentence out of the Revelation, after the lesson, two Kyrie eleesons, with one Christe eleeson betwixt them, after that the Lords prayer: then the Priest prayeth, that God might *bring us his kingdome, that we with our brother, and all other departed in the true faith of his holy name, may have our perfect consummation and blisse, both in body and soule.* Is not this to pray for the dead brother? When he is laid in the grave, he is laid east and west, in such manner, as that he may rise with his face to the East, for why? they looke for Christ to come from the East, and it is no easie matter to turne about if one rise with his face toward the west. This ceremonie is not enjoyned in the booke, yet it is usuall, as many more, as a white or black crosse upon the mort-cloath, candles burning over the dead corses in the house, the raiment, cakes sent abroad to friends. The priest must have his offering, and beside that the sextuarie, whereof I made mention before. Whosoever is not buried after this manner in church or churchyard, howbeit in a peculiar burial place of his owne, he is ill deemed. *But they*
Disc. p. 127. *must note*, saith Barrow, *neither rich nor poore,*
128. *neither young nor old, can get buryall without many in the church of England: No pray, no paie, no there please the Priest, and then he will burie you.*

ther, and pray for, and over him, Whatsoever he be, so far as his booke will goe. The minister is so tied to this office, that if he neglect it at any time, he is to be suspended from his ministerie by the space of three monethes. So they make that a part of the Ministers function, which is not a ministeriall dutie, nor at any time, let be ordinarily, performed by ministers in the Apostolicall Church. Howbeit the Iewes had not so cleare a light in the resurrection as we have, yet did not the priest reade prayers, and fragments of Scripture at burials; nay, they are expresly forbidden to be present at them. Funerall Sermons cannot be made without acceptation of persons. For if it be the Ministers office he ought to make them as well at the burall of the poore, as of the rich. It is required, and so is made to serve more for pompe or superstition, then for edification of the living. Men that never were greedie of a sermon all their life long, must have one then, to grace their funerals in the eyes of the world. M. Cartwright testifieth, that *there are none more idoll of funerall Sermons, then the Papists.* 1. Reply p. 162.

What lying commendations are made of the dead, howbeit never so vitious, all men doe know. Neither doe these hired Orators, or Sermon mongers, lie for nothing. They must have either a mourning gowne, or a noble. *I will say nothing*, saith M. Cartwright, *of the great abuse of those, which having otherwise to live on the Church, take nobles for every such Sermon, and sometime a mourning gowne, which causeth the people to open their mouth wide, and to say that the Ministerie of Sermons is much dearer, then of the Masse: for that they have for a groate, or sixe* Pag. 162.

place, and the Sermon they cannot have under a yearly summe.

The Rubricks serving to direct to the manner of administration of the Sacraments, are for the administration of Baptisme, or the holy Supper, & that either in the church, or in a private house.

In the administration of the Sacraments there are two things generally to be observed: First, that power is given to an ignorant Curate, or reading Minister, who cannot preach, to administer the Sacraments of Baptisme and the Lords Supper: Next, it is said in their Catechisme, that there be onely two Sacraments, as generally necessarie to salvation, that is to say, Baptisme, and the Lords Supper: implying that there are other Sacraments peculiar, not generall, as matrimonie, and others: and others generall, but not necessarie to salvation, as Confirmation. In the Preface before Confirmation are set downe these words: *And that no man shall think that any detriment shall come to children by deferring of their confirmation, we judge it hereby sufficiently certified, that children being baptized, have all things necessary for their salvation, and be undoubtedly saved.* These words imply three things, first, that all children baptised be undoubtedly saved; secondly, that children unbaptised be not undoubtedly saved; thirdly, that confirmation is not absolutely necessarie to salvation. Either a papist, saith the like of Confirmation. *That the customs of the universall Kirk doth more sufficiently, that confirmation is not necessarie to salvation, otherwise the godly and ear. full mother the Kirk, would not re-*

lib 4 sect. 8. pag. 7.

ill to see this Sacrament ministred at the point of death.

1 Of Baptisme.

In the preface to baptisme they commend the ancient custome of baptizing onely at Whitsuntide and Easter, except in the case of necessity, which was a superstitious and damnable custome. They say in this Preface, they will follow this custome, as neere as they can, therefore doe ordeine, that Baptisme be ministred only upon Sundaies, and holy dates. Upon any other preaching day then, they must not baptise, except it be coincident with an holy day: as if baptisme were not as holy a Sacrament ministred upon an other day, as upon an holy day. The child must be baptised at the font and therefore the Priest must come to that part of the Kirck, where the font is, over against the north dore, for that waneth not a signification, to signifie the entry of the child into the world. He must not be baptised, where the midst stood in time of divine service, or with water out of a bason. The godfathers and godmothers standing at the font, the Priest doth aske, if the child be baptised or no. In the first prayer the priest saith, that God by the baptisme of his Son, *did sanctifie the flood Jordan, and all other Waters to be mystically a signifying of* vertue; as though vertue were in the water to drive away sinne, or as though Christs baptisme at one time, and not Christs institution, which serveth for all times, did sanctifie the element. In the second prayer he saith, *We thy servants coming to thy holy baptisme may receive remission of our sinnes by spirituall*

regeneration

regeneration, when as the remission of our sins doth stand in notimputation of them, and not in regeneration. The questions which were wont to be demanded of converts from paganisme, who were able to answer to the questions demanded: absurdely & foolishly now they demand of the infants, or their godfathers in their name. The interrogatories are these, *dost thou forsake the Divill and all his Deeds* &c. *Dost thou believe* &c. *Wilt thou be baptised in this faith?* The child hath not understanding, nor faith, nor desire of baptisme. And how be it the child had faith, can the Godfather tell absolutely, and in particular, that this child whom he presenteth, doth believe, desire baptisme, or forsake the Devill. It is a foolish thing therefore, and great mockerie of Gods service to demand that of infants, which was at the first demanded of such, as were come to yeares of discretion, and were converted from gentilisme. The children of faithfull parents are within the covenant of grace, whereupon it is that they are made partakers of the seale of the covenant. The covenant being made with the parents in their faith, & not the faith of the child, the parents should give confession of their owne faith, and not of the faith of the child, which is not, because their owne faith is the condition of the covenant upon their part, whereupon God promiseth to be their God, and the God of their seed. Whereupon also it followeth, that the father of the child should present the child, and give confession and not another, because the covenant is made with him, and his seed, and the child is his seed not the seed of another, whom [illegible] godfather. The naturall father is a

proper godfather. Others may be witnesses of baptisme, but that the father should, or can assigne this duetie to another, I deny. Before the Priest dip the child in the water he sayth in his prayer, *grant that all thy servants, which shall be baptised in this Water, may receive the fulness of grace.* This prayer was read in a Booke once every moneth at the changing of the water in the font, as is sayd in the Survey. Howbeit it being now placed in the baptisme it self, it seemeth to be directed to the same end, to the hallowing of the water, which is then in the font. After that the child is dipped, and baptised in the name of the Father, Sonne, and holy Ghost. the Priest maketh a crosse upon the childs forehead, saying, *We receive this child into the congregation of Christs flocke, and do signe him with the signe of the crosse, in token that hereafter he shall not be ashamed to confesse the faith of Christ crucified, and manfully to fight under his banner, against sinne, the World, and the devill, and to continue Christs faithfull Souldier, and servant unto his life end.* He sayth not we have received, but we doe receive, as if the child were not received by baptisme, but by crossing, or as if the child were againe received by crossing which was before received by baptisme. This signing with the crosse is no decent gesture: It is rather like a Jugglers gesture, then a gesture of decencie, and comelinesse. It must then be used, as a symbolicall, and significant rite. But we have no such signe set downe in the word, as to make two crosse lines in the ayre with our fingers, to represent the crosse of tree, or to signifie unto us that we should not be ashamed to confesse the crosse of Christ, &c. *Thou shalt make unto*

them

thy selfe no image, that is, any representation forged in thy owne braines to be set up in the worship of God. Admit once the aereall crosse in baptisme, yee cannot refuse to set up the materiall crosse, and the Rood in the Kirk, nor the wooden or stone crosses in the high wayes. For all may signifie the same thing, but the crosse on the forehead. And by this reason every one may weare a silver crosse upon his forehead also. Further not only other significant crosses materiall may be brought in upon this ground, but also all the rest of the gaudy ceremonies of baptisme, to adorne & reforme the purtrie, plaisires, and smatchrie of Christs institution. As to put salt in the mouth of the child, to annoynt with oile the breast & shoulders, and the top of the head with holy chrisme and to set a burning taper in his hand, for let these toyes have their owne glorious significations as well as the Crosse. Lastly what doth it signifie, but that which is already signified in baptisme. The same valour and courage & constant profession & fighting under Christs banner, is a part of that grace, which is sealed by baptisme. But besides that it is a significant Gen. 30. toye, it is also esteemed effectuall. For they say, that by it the infant is consecrated to the service of him that dyed on the crosse. Who can sanctifie this signe for such an use? Are men able to doe it? It was made also a consecrator of water, bread, and wine, and all other holy things in time of poperie, for the which corruption we ought to abhorre it. Against *the sign thou shalt sign, that he shall continue Christs faithfull souldiour to his lives end: these words (shall continue to his lives end) come and adde the same in the Epistle*

of the 22. Sunday after trinitie) *God shall continue the Worke in you to the end, shew unto us, that Wee use the crosse for a pledge to give assurance to the child to continue in grace to the end; Which if it bee so that it serveth to Work faith, and is used effectively,* sayth *Parker*. *Hooker* sayth, that there *cannot be a more forcible meane to avoyd that Which may desperately procure shame*. If it be in some sort a mean to secure from confusion everlasting, then is it in some sort effective of grace. In a word, suppose there were no sinfull use of it for the present, the horrible abuse of it in times by-past, and the danger and perill of these same abuses are sufficient to remove it out of this holy sacrament, where it is set up in such honourable state beside the Lords owne altar. After the signing with the crosse, the Priest sayth, *Seeing now dearly beloved brethren, that these children be regenerated, and grafted into the body of Christs congregation*, and not before the crossing. Privat baptisme is administred in privat houses, sometime by a privat person, sometime by a publick. Howbeit it be not enjoyned by law, nor prescribed by their service booke, that lay men or women shall baptise in time of necessitie, yet it is permitted and allowed in their practise, and hath been defended by *Whitgift* and *Hooker* in print. When it is administred, they call upon God, and say the Lords prayer, if the time will suffer. Then if the time wil not suffer they omit prayer. So that not onely they omit preaching, & the doctrine of the sacrament, but also praying, if there bee haste. If the child live, it is brought to the Church, and the maner of the privat administration is tried. The minister demandeth, by whom was the child baptised: and

1. Part. p. 34. L. 1. c. 65.

because something essentiall to this sacrament may happen to be omitted through feare or hast in such time of extremitie, he demandeth of those who bring the child, with what water and words was the child baptised, and whether they think the child to be lawfully and perfectly baptised. If a lawfull minister did baptise the child, these demands were needlesse. We may perceive also to what indignitie and prophanation the sacrament is exposed, in that it must bee ministred with such haste, and feare, that the ministration of a sacrament being intended, yet it may prove to be no true sacrament, because it is marred with haste and feare. The Lord doth not allow his sacraments to be so prophaned, but to be administred with gravitie, with due time and leasure, without feare, that may make the minister miscarry in the action. If after triall he findeth right, he receiveth the child as one of the flock with certain words which he pronounceth. After the Gospel is read, the minister together with the godfathers, and godmothers, say the Lord's prayer. Then he asketh of them, the questions whereof we made mention before in publike baptisme. If that, who bring the infants, *do make sufficient answer to the first demands, or that it cannot appeare that they have not given their faith in the name of the Father, and of the Sonne, and of the holy Ghost*, he Priest baptizeth the child. Then howbeit that it appeare not, that a lawfull minister did baptize, that shal not move the priest to baptize the child: whereby we may see, that baptisme by lay men, and women is not made void by their service book, but taketh for good and sufficient. When after uncertain answers the priest baptizeth, he

useth this forme of words: *If thou be not already baptised, I baptise thee in the name of the Father of the Son and of the holy Ghost, Amen* But what if the child be already baptised, is it not now re baptised in publique. Again, in private baptisme the Congregation is neglected. The Church hath interest in the baptisme of the child, as well as the Minister, for the child is received into the Congregation to be a member thereof. And therefore the confession of the parents should be given publiquely, before that the childe receive the seale of the covenant. Wee see then, what are the fruits of private baptisme; baptisme by private persons, by men and women, unworthy handling of such a Mysterie for feare and hast, baptisme by supposition, and rebaptization, &c. Adde, that it doth foster an opinion of the necessitie of baptisme, or rather is grounded upon it. It is said in the Preface before Confirmation, *It is evident by Gods word, that children being baptized have all things necessarie for their salvation, and be undoubtedly saved.* Yee see, they affirme that all baptised children be undoubtedly saved, and againe, doe imply in these words, that for all such as are not baptised, we have no sure warrant, that any of them shall be safe. The Bishop of Canterburie in the Conference at Hamp ton Court, affirmed, that, *If an Infant die baptised, there is this assurance, that it is saved, whereas the state of an infant dying unbaptised is uncertain.* Is not this found Divinitie? The prayer of the booke of common-prayer reporteth, that by occasion of private baptisme, many children be baptised by Masse-priests after the Popish manner, and many bastards concealed.

ceal'd. Many pretend infirmitie, when there need not, and the solemnizing of private baptisme in publique is often omitted.

2 The Holy Supper.

The Sacrament of the Supper, as also of baptisme, may be ministred amongst them without any Sermon made, or doctrine upon the Sacrament which is to be ministred; yea, it is ministred by such as cannot teach. In their latest canons it is said plainly, that *both the Sacraments be equally effectuall, whether they be ministred by a Minister that is no Preacher, or by one that is a Preacher?* In the same Canon, they are are said to be *seduced by false Teachers, who teach to have their children baptized by a minister that is no preacher, and to receive the holy Communion at his hands in the same respect, as though the vertue of these Sacraments did depend upon his ability to teach.* And therefore it is ordained in that canon, that they shall first be suspended, persisting in their wilfulnesse, and then after a monthes obstinacie excommunicated. A Minister it is true is no part of the essence of the Sacrament, as a Sacrament is defined to consist of outward signes, and invisible graces, yet is a Minister necessarie to the right and lawfull ministration of the Sacrament, and is of the essence of it, that is, he is of the essence of the Sacrament, as it is defined to be an holy, and sacred action, for he is appointed by Christ to be the minister of the action. Now we acknowledge none to be a lawfull Minister, but him who is able to teach. Christ joyned preaching and baptizing in his commission, Matth. 28. To whom he committed the dispensation

Can. 57.

cessation of the charter, and the word of reconciliation: to those also he committed the dispensation of the Seales, and to those onely. Tryall and particular examination of the communicants they have none, to try their knowledge in the mysteries of religion, and growth in Christianity. It is enough that they were once bishoped, when they were little children, as in time of poperie. The communion table is not onely covered at the time of ministration, with a faire linnen cloth, but also in the Rubrick it is ordained, *that the same tables shall from time to time be kept in decent manner, & covered in time of divine service, with a carpet of silk, or other decent stuffe thought meet by the Ordinarie of the place:* as if the communion table were to be regarded more then other common tables after the action is ended, whereas the very elements themselves *extra usum*, out of the use of the Sacrament, are but common. This is done in imitation of the popish rich altar-cloths. The table being covered with a fair linnen cloth, & placed in the Church or chancel where morning & evening prayer are appointed to be said, the Priest must stand at the northside of the table, he must not stand at the head of the table. He beginneth with the Lords prayer & a collect, then he rehearseth distinctly all the 10 commandments, & the people kneeling, after every commandment ask forgivenes. The people of Israel kneeled not when God himself pronounced the Law from mount Sinai, however they saw the mountain smoking, and lightnings, &c. Gods word uttered by man should not bee received with kneeling. Whereas the last prayer is sufficient to conclude with: the repetition of

it at every commandement is superfluous battologie. Then the Priest saith the collect of the day, and another for the King, standing up. After the collects, he readeth the Epistle and the Gospell. The epistle and the gospell being ended, he saith the Creed. after the Creed, if there be not a Sermon, he readeth some Homilie already set forth, or that shall hereafter be set forth. After Sermon or homilie, the people is forewarned of the Holy-dayes, or fasting dayes of the next weeke following, and are earnestly exhorted to remember the poore. Then the Church wardens, or some other by them appointed gather the devotion of the people, for so is the almes called upon the offering dayes appointed, every man and woman payeth to the Curate the due, and accustomed offering: then the Priest prayeth that God would accept of their almes, &c for some other things. Then he readeth a thanksgiving: then a generall confession is made in the name of all of those that are minded to receive the Communion. And this is allowed to be made either by one of them who are to communicate, or one of the Ministers, or the Priest himself: So a Lay man is allowed to stand in the Church in name of them all. Then confession is made kneeling. Then he standeth up againe, and turneth him to the people and saith, with some few words again. So they have prayer following immediately after prayer, without any new admonition, than he gave at the one, kneeling at the other sometimes in their offende. The after some versicles and answers, and proper prefaces for holy-dayes, the Priest kneeleth down againe, saying a prayer to name of all them who are to

receive

receive the communion. As soone as that is ended, without any other action intervening he standeth up againe and sayth another prayer. In this prayer he rehearseth the words of the institution to God, as the priest doth when he consecrateth the bread and wine in the Masse. For he doth not first end this prayer, and then turne him to the people to informe them of the institution, by rehearsall of the words, but utereth them in a continuall tenour with this prayer speaking to God. O horrible prophanation of the Scripture, and superstitious consecration! Then without any further he and they communicate kneeling, after the Popish manner, that is, with a gesture of Adoration, when they are beholding the signes, taking, eating, drinking, and inwardly in their minds, should be meditating on the signification and the fruit and benefite which they reap by Christ crucified, and consequently cannot without distraction of mind from the employment of the soule and meditation, pray a set, and continued prayer to God, or cannot meditate and be employed in the present action without distraction of mind from the prayer, and therefore either they pray unreverently, which they will not grant, or do communicate this gesture of adoration to the other employments of the soule, and of the outward senses, and members of the body, about the object presented, which they must grant, and so will they, nill they, must be forced to confesse, that they commit idolatrie. Kneeling is no decent gesture for a table: for commodatie, they say, maketh decencie, but this gesture is confessed not to be commodious, as is said. It is then

then enjoyned for another reason, to wit, for reverence: but to kneele for reverence and religious respects is ever adoration in the highest degree. To kneele for reverence, that is to adore, is not enjoyned here for prayer, neither may prayer lawfully be enjoyned in time of another action and part of Gods worship to bee performed by the same person. And suppose it were enjoyned for the short prayer uttered by their priest, yet are not the outward senses, and inward faculties, employed principally on that prayer, but upon another action, principally, and directly intended in the Institution, whereas the other is onely superadded by man. Let them frame their canons and acts as they please, and suppose, that they kneele for reverence of the Sacrament, common sense may teach us, that it is done for that respect, either totally or principally. But let it be in the least part, yet that least part is idolatry. Beside the idolatry of this gesture, it cannot stand with the right manner of celebration and rites of the institution. For when they kneele for adoration, they cannot take the cup from hand to hand, nor divide the elements amongst themselves, as Christ hath commanded. In many places the people are raised from their kneeling, to come about the table there to receive kneeling, and then are directed to their places again, saith the
p. 72. Author of the Survey. The Priest giveth the bread and the wine to every one severally out of his own hands. When the cup is to be caried from one to another, the communicant is too proud to reach it the priests holy hand must take it from one, and give it to the other. But Christ willed his Disciples to divide it among

them-

themselves, & it was carried from hand to hand indeed, after the manner of the last paschal cup, which was changed in this communion cup. When Christ therfore gave the bread and the wine, he sayd in the plural number, *Take yee, eat ye, &c.* The English priest speaketh in the singular number, when he giveth the elements, he annexeth not Christs words containing a comfortable promise, and uttered in an enunciative form, but other words invented by man, and in form of a prayer, converting one part of Gods worship in another, or else confounding them. Then the Pr. sayth the L. prayer, & the people repeat every petition after him. Is not the minister the mouth of the people in prayer to God? And now they wil with their own mouths pray again. When the minister prayed, did they not in fact pray with him? If they did, wherfore repeat they every petitiō? And when they repeat, doth the minister pray againe the same words in his hart, which before he uttered with his tongue? Or is the tounge in this exercise both of minister & people divided from the heart, exercing their functions severally, & at distinct times? this is the lesson I *pitch me for.* So I must speak, seeing they all the L. prayer as the Popish priest doth his *Ave.* After the L. prayer they have another prayer. At westminster the communion is ministred in wafer cakes, as the author of the *Survey* reports; who also doth conjecture by this, that the prelates intend to advance superstition be it ceremonial in all places. The like may be said of some superstitions used in the K. Chappell. P. 81.

We have seen the particulars of the Priests function, whereunto *Market* doth subjoyn that he must weare a surplice in the administration P. 344.

of

of the particulars forsaid, that is, in reading morning and evening prayer, churching of women, celebration of matrimonie, at burialls, administration of baptisme, and the Lords supper. And if he hath taken on any degree in the Universitie, he must weare such habit as appertaineth to that degree. In cathedrall and collegiat churches, the communion is to *be administred upon principall feast dayes, sometimes by the Bishop himself, sometimes by the Deane, and sometimes by a Canon, or whom he the principall ministring shall appoint, in his rich cope assisted with the Subdeane and Quyer.* The rich cope then is not a vestment for common clarks, and ordinary priests. No minister being no graduate may weare a hood under pain of suspension. *Notwithstanding it shall be lawfull for such ministers, as are not Graduats to weare upon their surplices instead of Hoods, some decent tippet of black, such as is used.* For their ministring garments we have said, they cannot be said to be enjoyned for distinction. For the place they occupie in the time of their ministration, doth of it selfe distinguish them from all others, who see them at service. They serve not for comelinesse, and gravitie, but are such a ridiculous, and fragile kit, meete for fooles and comedians, then for ministers. And if gravitie were respected in them, they should be worn ordinarily, and out of the time ministration. For he must not cast off his gravitie, when he hath ended divine service. It is then for mysterie or signification, that they weare them. The white colour of the Surplice signifieth angelicall puritie, for the Angels appeared in white. So are they painted with wings to signifie their readinesse to do their office. But

Cap. 24.

signi-

nificant garments belong to the priests of the Levitical tribe, and not to the ministers of the new testament. It is but a shadowing figure of that perfection which is not, nor cannot be in sinfull men. In the angels it might have represented as well their glory as their parentesse from sin. The Surplice was esteemed so holy in time of popery, that no priest might say service, nor doe so much as make holy water, without it. And among themselves, the Surplice is *Well known to be seem'd by many people in all the parts of the land so holy a thing, as that they will not receive the sacrament from any but such as weare it*, as is said in the abridgement of the ministers of Lincolne. In what reason the Surplice and Cope are retained, by the same reason the rest of the Massepriests and Bishops vestiments may be reduced. The ministers of the Gospell should not be made conforme in fashions, let be in mysteries and significations to Popish Priests, nor weare their badges, either in or out of the ministration of divine service. It is to be observed, that no man of preaching age is not urged to weare a Surplice, but in time of service, so like be refuse performing any other part of his function, as the catechizing in things of service or else why should he not use these apish and fantastic garments at other times, as well as at the other? Children in colledges are ordained to weare Surplices in churches & schools, to all Sundayes, holidayes, and their Eves. The original of this is observed in the abridgement to this effect, *It is done to all that are admitted to the very lowest degree of the clergie, which they call primum tonsuram. And this was it which brought that custome into the* P. 52.

P. 37.

the universities, that every student should at certaine times serue the Surplice in diuine seruice, because they did at their matriculation receiue this primam tonsuram, *and first entrie into the clergie.* I may may not insist upon this poynt, nor the rest that follow, being forced to end within this sheet.

In the Deacon is likewise to be considered his externall calling and function. His externall calling is either to the order and degree, and that in every respect, as in the minister, except in some things: or to the benefice, altogether as in the minister. His function is, 1. to haue an ouer-sight of the poore, 2. to assist the minister in celebration of the supper, 3 to blesse them who are to be maried, 4. to burie the dead, 5. to baptise, and preach, if he be called thereunto.

In the booke of ordering Priests and Deacons, the Deacons office is said to consist chiefly in assisting the Priest in diuine seruice, specially in celebration of the Supper, and distribution of the sacrament, in reading Scripture and Homilies, in instructing children in the articles of the faith, in baptising of infants, in the preaching of the word, if the Bishop thinke him fit, and in inquiring into the state of the poore, and the sick, and intimating the same to the minister. After imposition of hands, the Bishop deliuereth him in his hand the new testament, saying, *Take thou authoritie to read the Gospel in the Church of God and to preach the same, if thou be thereto orderly admitted.* Hee needeth not a new calling to the ministerie, and thereby be inabled, but remaining still a Deacon, he may by the

the Bishops warrant and licence be authorised to preach. The Apostles instituted Deacons to in other end then to preach, and severed them from preaching, because one person could not conveniently be a minister of the word, and a minister of Tables, yet they will confound them. For so they found them confounded in time of popery, and it pleaseth them to retaine them so, and not to distinguish the functions, as the Apostles did. Why are they permitted to baptize more then to celebrate the supper? Is the one sacrament of greater excellencie then the other. May the one bee ministred by any Church officer, who may not minister the other? When the Apostle 1. *Tim.* 3. deserveth the office of a Deacon, requireth he either abilitie to teach, or power to baptize? What in effect may their Deacon not do, that the priest doth, except the ministration of the communion? What can be the reason of this exception, but that in this ministration there was somewhat esteemed in time of poperie, proper to a priest, to wit, the offering of a sacrifice. The Deacon then is not halfe a minister, but almost a whole, and he may preach with licence, or at command of his ordinarie, as well as the Priest. What need I to insist upon such grosse absurdities?

CHAP. 8.

Of the administration of Laymen.

THE laymen having some administration, have it either in a cathedral or collegiat church, or else in a parish church, &c.

In the cathedral church, laymen having administration

nistration, are the receivers of the rents, Bailiffs, takers up of accounts, overseers and measurers of land, Stewards of courts, and liberties, overseers of the fabrick of the temple, or the sacristane, of the bibliothicke where the book of Homilies, and service book lye, vergeters, bellmen, singing men and boyes. Many idle and chargeable officers are fed in these dennes to uphold the pompe of a cathedrall church, and that to the great detriment of other churches. In the Parish church they have not a Scrat of Elders to joyne with the Pastor for governing the same, but two or three Churchwardens to see the Kirke be watertight, and furnished with all the ornaments and utensils, to provide for the booke of common prayer, and Homilies, and the elements for the communion upon the expenses of the parish, to keep a Register of the christnings, weddings, & burialls, together with the Pursse, to intimate any contribution which is to be made for some publick work: and lastly, to be the Bishop and Archdeacons spie, to delate or present offenders, howbeit for the most part they bee perjured, and offences are winked at, and suffered to passe without correction. No wonder, seeing the discipline is taken out of the hands of the ordinaries, and put in the hands of Officials, Commissaries, and Chancellors, to whom as the poor two Churchwardens are made officers and servants.

The possessions are either publicke, or private, &c.

Heere are reckoned for the possessions belonging to the Church, bookes, vestiments, the ornaments and implements of the Kirk, the

Kirk

Kirk it selfe, houses, mannours, woods, forrests, arkes, ponds, fountaines, rivers, medowes, ...ttage ground, arable ground, Baron ...rts Hundreds, and Lathis, Tithes, ob...ions, obuentions, pensions for indemnitie, ...urations, Synodals, fees, immunities, liber...es, privileges, &c. It were tedious to insist ...on the use of every one of them in particu...r. They are either superfluous and excessive, ...unlawfull, or bestowed upon the wrong ...ction.

The constitutions anent both persons, ...d possessions, &c.

There is a controversie amorg the Lawiers, ...t Canons and Constitutions of the Canon ...w be in force among them. Some of best ...gement thinke it to be altogether abrogate, ...cept so much as is particularly ratified by ...ute. They themselves doe hold, that all the ...mer ca...ions of the canon law, all the con...utions, and decrees, nationall or provinciall, ...ch were in use before in the Ecclesiasticall ...urts, which are not repugnant to the Sta...s, the municipall lawes of the Realme, or the late constitutions established by publique ...thoritie, nor prejuditiall to the Kings pre...ative and privileges, make up the Ecclesiasti...lawes of England, and accordingly put the ...m in practise. There Canon law, the ...ges ...dgement then, is there principall Law booke. *Mucket p. 299.*

I Hinke not, good Reader, that I have ma...e a perfect Discoverie of the English Church-policie: for that requireth the ...ard paines, of the most judicious and pain...among themselves. Therefore take in good part,

part, that little which I have in great haſt gathered for thy information, and conſider how dangerous it is to yeeld to a few of their Popiſh corruptions. Some few will draw on the reſt, and the whole will make way for full Popery to re-enter, in the owne time, which approacheth very neere in outward appearance, unleſſe the Lord prevent. *Hee that perſeverith to the end, ſhall get the Crown.*

Biſhop Spotſwood hath ſpread a rumour, that Mr David Calderwood is turned Eraſtian. But I aſſure thee, good Reader, it is not true. The elder, wiſer, and better, both together with his ſuppoſed Author, a young man, trimmed up a tale with many circumſtances, to make their ſurmiſe the more credible. But if they be reputed by later, the judgement, either of that ſuppoſed Author, or of any other man elſe, anent this opinion, then let him rather be reputed for an honeſt man hereafter. If he had doubted, he would not have ſought reſolution from young ſcholars, and unſtaid braines. The ground being laid, all the reſt of the circumſtances laid upon it are Engliſh forgeries alſo. Either Spotſwood, or his ſuppoſed Author ſhall ſtrike their calumnie after this declaration, I ſhall try if there be any blood in their ſcrolheads.

FINIS.

A DIALOGVE BETWIXT COSMOPHILUS AND THEOPHILUS ANENT THE Uiging of new ceremonies upon the Kirke of SCOTLAND.

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1. Ioh. 1. 15.

Love not the World, neither the things that are in the World: If any man love the World, the love of the Father is not in him.

MDCXX.